

**Exhibit L**

# EXHIBIT 3

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Page 1

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

- - -

In Re: : Case No. 3:23-md-  
: 03084-CRB (LJC)  
:  
UBER TECHNOLOGIES, :  
INC., PASSENGER SEXUAL :  
ASSAULT LITIGATION :

- - -

FRIDAY, OCTOBER 24, 2025

- - -

Remote Zoom Videotape Deposition of  
VERONIQUE VALLIERE, Psy.D., taken pursuant to  
Notice, in Allentown, Pennsylvania, commencing  
at approximately 9:15 a.m., on the above date,  
before Rose A. Tamburri, RPR, CM, CCR, CRR,  
USCRA Speed and Accuracy Champion and Notary  
Public.

- - -

Job No. CS7675941

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1 APPEARANCES :

2  
3 CHAFFIN LUHANA LLP

4 BY: ROOPAL P. LUHANA, ESQUIRE

600 Third Avenue, 12th Floor

5 New York, New York 10016

(888) 480-1123

6 luhana@chaffinluhana.com

Representing the Plaintiffs and

7 The Witness

8  
9  
10 KIRKLAND & ELLIS

BY: COHL LOVE, ESQUIRE

11 601 Lexington Avenue - Floor 50

New York, New York 10022

12 (212) 909-3366

cohl.love@kirkland.com

13 Representing the Defendant,

14 Uber Technologies, Inc.

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1  
2 ALSO PRESENT:

3  
4 MACKENZIE DELANEY, ESQUIRE

5  
6 ASHER TRANGLE, ESQUIRE

7  
8 ELLYN HURD, ESQUIRE

9  
10 TARA DOYLE, ESQUIRE

11  
12 BETH WILKINS, ESQUIRE

13  
14 AN TRUONG, ESQUIRE

15  
16 STASJA DRECUN, ESQUIRE

17  
18 THERESA FRYAN

19  
20 BEN PELTA-HELLER, VIDEOGRAPHER

21  
22 JAKE FRANKS, CONCIERGE

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## I N D E X

## TESTIMONY OF: DR. VERONIQUE VALLIERE

By Mr. Love.....9, 410

By Ms. Luhana.....378, 416

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1 (Whereupon, the deposition  
2 commenced at approximately 9:15 a.m.)

3 - - -

4 THE COURT REPORTER: The attorneys  
5 participating in this deposition acknowledge  
6 that I am not physically present in the  
7 deposition room, and that I will be reporting  
8 this deposition remotely.

9 They further acknowledge that, in  
10 lieu of an oath administered in person, I will  
11 administer the oath remotely.

12 The parties further agree that if  
13 the witness is testifying from a state where I  
14 am not a Notary, that the witness may be sworn  
15 in by an out-of-state Notary.

16 If any party has an objection to  
17 this manner of reporting, please state it now.  
18 Hearing none, we can proceed.

19 - - -

20 THE VIDEOGRAPHER: Good morning.  
21 We are going on the record at  
22 9:15 a.m. on Friday, October 24th, 2025.

23 This is Media Unit 1 of the  
24 video-recorded deposition of Dr. Veronique  
25 Valliere, taken by counsel in the matter of In

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1 Re: Uber Rideshare cases, filed in the United  
2 States District Court for the Northern  
3 District of California, San Francisco  
4 Division.

5 My name is Ben Pelta-Heller  
6 representing Veritext. I'm the videographer.  
7 The court reporter is Rose Tamburri from the  
8 firm Veritext.

9 Counsel and all present, including  
10 remotely, will now state their appearances and  
11 affiliations for the record, and will the  
12 reporter please swear in the witness.

13 MR. LOVE: Cohl Love for Uber, and  
14 I'm with Kirkland & Ellis.

15 MS. LUHANA: Roopal Luhana of  
16 Chaffin Luhana for the plaintiffs.

17 THE WITNESS: Dr. Veronique  
18 Valliere, witness.

19 MS. DELANEY: Mackenzie Delaney on  
20 behalf of Uber, Kirkland & Ellis.

21 - - -

22 ...VERONIQUE VALLIERE, Psy.D.,  
23 after having first been duly sworn and/or  
24 affirmed, was examined and testified as  
25 follows...

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1 - - -

2 EXAMINATION

3 - - -

4 BY MR. LOVE:

5 Q. Good morning, Dr. Valliere.

6 A. Good morning.

7 Q. Nice to meet you.

8 A. Yes.

9 Q. My name is Cohl Love. I'll be asking  
10 you some questions today.

11 Could you just please state your  
12 full name for the record.

13 A. Dr. Veronique Nicole Valliere.

14 Q. And can you hear and see me all  
15 right?

16 A. I can.

17 Q. If that changes at any time, please  
18 just let me know and we can figure it out or  
19 take a break if we need to.

20 Okay?

21 A. Sure.

22 Q. Where are you currently?

23 A. In Allentown, Pennsylvania.

24 Q. And what room are you in?

25 A. A conference room at a hotel.

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1 Q. Okay.

2 And I know Ms. Luhana is in the  
3 room with you. Is anyone else there?

4 A. No.

5 Q. Do you have any materials or  
6 documents with you?

7 A. I do. I have a clean copy of my  
8 report, my addendum, my CV and my invoice.

9 Q. Anything else with you?

10 A. No.

11 Q. And do you have anything open on your  
12 screen other than this Zoom?

13 A. No.

14 Q. I'll just ask that if you have to  
15 open something else, that you let me know, and  
16 you not open anything else unless you're  
17 instructed to do so or asked to do so during  
18 this deposition.

19 Okay?

20 A. Sure.

21 MS. LUHANA: Counsel, I will note  
22 that we do have the exhibits open in the  
23 background, as well as realtime playing.

24 MR. LOVE: Understood. Can the  
25 witness see the realtime?

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1 MS. LUHANA: Yes.

2 MR. LOVE: Okay. All right.

3 BY MR. LOVE:

4 Q. I know you sat for many depositions,  
5 so I won't go over all the ground rules, but  
6 just let's make sure we give verbal responses,  
7 no uh-uhs or uh-huhs or nodding or shaking of  
8 your head today.

9 And then wait until my questions  
10 are done before you start answering, and I'll  
11 try to do the same when you're answering. And  
12 I'll wait until you're done before I ask my  
13 next question.

14 Does that make sense?

15 A. Yes.

16 Q. Okay.

17 What did you do to prepare for  
18 today's deposition?

19 A. I reviewed my report, I reviewed my  
20 addendum, I met with Attorney Luhana and  
21 reviewed a few documents for refreshers.

22 Q. And which documents were those?

23 A. I can't remember.

24 Q. Okay.

25 Did any -- did any of them refresh

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1 your recollection about anything?

2 A. No. I just checked for accuracy in  
3 my report, but my opinions haven't changed  
4 or -- or modified in any way from my report.

5 Q. Okay.

6 You said you met with Ms. Luhana.  
7 When did you meet with Ms. Luhana?

8 A. Yesterday.

9 Q. And for how long did you meet with  
10 her?

11 A. Hmm, approximately, I think, six or  
12 seven hours.

13 Q. I'm sorry, could you state that one  
14 more time?

15 A. Six or seven hours. Around seven, I  
16 think.

17 Q. Was anyone else on that call?

18 A. No.

19 Q. And did you meet with Ms. Luhana any  
20 other time?

21 A. A few brief phone calls over the last  
22 week or so.

23 Q. How many times would you say?

24 A. I think three.

25 Q. And how long were those calls?

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1 A. A half hour, 40 minutes.

2 Q. And did you discuss your testimony  
3 here today, without giving me any specifics  
4 about what you talked about?

5 A. I'm sorry, did -- did I discuss my  
6 testimony?

7 Q. Yes.

8 A. Yes.

9 Q. Okay.

10 And have you looked over your  
11 testimony from trial this last September?

12 A. Yes.

13 Q. When did you look that over?

14 A. A week-and-a-half ago or so.

15 Q. And did you review your deposition  
16 testimony in the Uber JCCP matter that you  
17 gave this last summer?

18 A. Yes.

19 Q. When did you look that over?

20 A. At some time last -- this week.

21 MR. LOVE: Now, I'd like to bring  
22 up Tab 1, please, Ms. Delaney. And that  
23 should go into the Exhibit Share for you, Dr.  
24 Valliere.

25 MS. DELANEY: Just a moment.

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1 Working on it.

2 BY MR. LOVE:

3 Q. While we're getting that pulled up,  
4 did you look at a Deposition Notice in  
5 conjunction with your deposition testimony  
6 here today?

7 A. I did.

8 Q. And did you notice that there was a  
9 list of documents that were requested at the  
10 end of that Deposition Notice?

11 A. Yes.

12 Q. Okay.

13 Did you look for those documents?

14 A. You -- can you be specific about  
15 which documents? Sorry.

16 Q. Sure.

17 So the exhibit should be posted  
18 now, if you can see that.

19 (Whereupon, a document was marked,  
20 for identification purposes, as Exhibit 1.)

21 THE WITNESS: Nothing's coming up  
22 on ours.

23 MR. LOVE: Ms. Delaney, could we  
24 maybe just share this on the screen for the  
25 witness?



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1 MS. DELANEY: Yes. Sure thing.  
2 Just a moment.

3 MR. LOVE: Thank you.

4 MS. LUHANA: Is it in Exhibit  
5 Share, counsel?

6 MR. LOVE: Yes, it is.

7 MS. LUHANA: We can share it on  
8 the screen, but we probably should resolve  
9 this and make sure we're able to see the  
10 exhibits on the screen.

11 So it's been posted, you said,  
12 counsel?

13 MR. LOVE: Yes.

14 MS. LUHANA: I don't see it here.  
15 Let me refresh it maybe.

16 BY MR. LOVE:

17 Q. Can you see this document on the  
18 screen, Dr. Valliere?

19 A. Yes, I can.

20 MR. LOVE: Roopal, for this  
21 document, is it okay if we just use this for  
22 now and then we can resolve the Exhibit Share  
23 later?

24 MS. LUHANA: Yeah.

25 MR. LOVE: Okay.

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1 Can we please scroll down to the  
2 duces tecum. Thank you.

3 BY MR. LOVE:

4 Q. Dr. Valliere, did you look over this  
5 list of documents that was asked?

6 A. I did.

7 Q. Okay.

8 And did you look for each category  
9 of these documents?

10 A. Yes. I modified my CV. I wasn't  
11 able to go back and do every seminar or  
12 presentation I ever gave, but I gave a broad  
13 umbrella of the topics I presented on and most  
14 of the agencies, or many of the agencies.

15 And I had my cases on my CV. And  
16 I don't produce the invoice -- I don't believe  
17 there is any other documents that were not  
18 previously produced or that Uber has not  
19 produced.

20 MS. LUHANA: Counsel, if you want  
21 to direct her to a specific request, maybe  
22 that's helpful.

23 MR. LOVE: I think she was  
24 answering my question and I will direct her to  
25 the ones that I would like to focus on now.

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1 BY MR. LOVE:

2 Q. So if you can look at No. 7, it says,  
3 "All documents, materials or things relied  
4 upon You as a basis for Your opinion in this  
5 action." {Sic}

6 Did you produce all documents that  
7 you looked at when creating your report?

8 A. I produced a list, not the actual  
9 documents, but a list that -- on my appendix.

10 Q. Are there documents that you relied  
11 on or reviewed in connection with your report  
12 that have not been produced in this action?

13 A. Nothing that I referred to or cited,  
14 no. I mean, I'm not quite sure how to answer  
15 that, because there's a whole body of  
16 literature about sex offenders or  
17 victimization or things like that, but not one  
18 specific document that I'm -- that you are not  
19 aware of.

20 MS. LUHANA: And, counsel, we  
21 produced responses to this, and to the extent  
22 these documents are publicly available, we  
23 noted such. And to the extent she had any  
24 documents she relied on, she included it in  
25 her appendices and her Materials Considered

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1 list.

2 MR. LOVE: Understood. The  
3 witness can testify to that. Thank you.

4 BY MR. LOVE:

5 Q. So, Doc --

6 MS. LUHANA: That's fine. We  
7 provided responses to it and produced those to  
8 defendants yesterday, so I was just providing  
9 that clarification.

10 BY MR. LOVE:

11 Q. Dr. Valliere, you said that there's a  
12 body of literature that you relied on that you  
13 didn't necessarily produce.

14 Did you note every article or  
15 literature that you relied on when coming to  
16 your conclusions in your report?

17 MS. LUHANA: Objection. Objection  
18 to form.

19 THE WITNESS: No. I normally talk  
20 about a body of literature. I'm talking about  
21 30 years of study and the body of scientific  
22 research and everything that -- that builds  
23 the foundation of my expertise.

24 MR. LOVE: Okay.

25 To the extent that you have not

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1 identified articles that have been relied on  
2 in your report, I would call for production of  
3 a list of those documents, and Roopal, we can  
4 talk about that later.

5 MS. LUHANA: Sure. We'll take it  
6 under advisement.

7 BY MR. LOVE:

8 Q. Going to No. 10, it says, "All notes,  
9 calculations, memoranda, drawings, models,  
10 illustrations, diagrams, recordings or records  
11 generated or utilized by You in connection  
12 with Your involvement in this Action." {Sic}

13 Did you produce all of those?

14 MS. LUHANA: Objection to form.  
15 Go ahead.

16 THE WITNESS: Yes, I don't have  
17 any of those.

18 MR. LOVE: We can go ahead and  
19 pull this down.

20 BY MR. LOVE:

21 Q. Did you bring any materials with you  
22 other than the ones that you've mentioned  
23 today?

24 A. No.

25 MS. LUHANA: And, counsel, can we

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1 just go off record and fix the Exhibit Share  
2 first before we proceed?

3 MR. LOVE: Yes.

4 THE VIDEOGRAPHER: Going off the  
5 video record. The time is 9:26 a.m.

6 (Whereupon, a recess was taken at  
7 the above time.)

8 THE VIDEOGRAPHER: We are back on  
9 the video record. The time is 9:27 a.m.

10 BY MR. LOVE:

11 Q. Dr. Valliere, you have your own  
12 counseling business; right?

13 A. Yes.

14 Q. And that business has a clinical  
15 practice and a forensic practice; is that  
16 correct?

17 A. Correct.

18 Q. What percentage of your work is  
19 clinical versus expert litigation work?

20 MS. LUHANA: Object to form.

21 Go ahead.

22 THE WITNESS: Well, our primary,  
23 in the agency, I have numerous clinicians  
24 under me, and so the business, as a whole, is  
25 primarily clinical in the two different

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1 facilities.

2 And then I do some -- and I -- I  
3 assume by forensic work, you mean this kind of  
4 work?

5 MR. LOVE: Yes, litigation work,  
6 or -- or crim -- criminal work as well.

7 THE WITNESS: And in criminal  
8 work, you mean court work or working with  
9 offenders?

10 MR. LOVE: Any work where you are  
11 testifying in court or writing a report for a  
12 Court or a litigation or proceeding.

13 THE WITNESS: Well, we often are  
14 in court with many of our clients because  
15 they're court-mandated, so we do do a lot of  
16 work with the court system, like probation,  
17 parole, child protection.

18 But when we're talking about  
19 litigation in terms of civil or criminal  
20 expert testimony, it's probably, in the whole  
21 agency, about 10 percent of the work.

22 BY MR. LOVE:

23 Q. And what about you personally, how  
24 much percentage would you say you do compared  
25 to clinical work?

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1           A.     It is probably -- this year, it's  
2     heavier duty because of this case in  
3     particular, or the past cases. So probably  
4     right this moment, it's about 50 percent.  
5     Generally, it's about 15 or 20 percent.

6           Q.     And how many physical locations do  
7     you have for your practices?

8           A.     Two.

9           Q.     Two.

10                   What are those locations?

11           A.     One is 726 Church Street in  
12     Fogelsville, PA, and the other is 732 Turner  
13     Street in Allentown, PA.

14           Q.     How close are those together?

15           A.     Hmm, maybe about 10 miles apart, 8 or  
16     10 miles.

17           Q.     You could drive between them fairly  
18     easily?

19           A.     Oh, yes.

20           Q.     Okay.

21                   What business do you conduct at  
22     the -- the 726 Church Street address?

23           A.     That is -- is an office where mostly  
24     client care goes on.

25           Q.     So that's devoted mostly to clinical



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1 work?

2 A. Yes.

3 Q. Okay.

4 So you treat patients out of that  
5 office?

6 A. Treat patients. Sometimes I conduct  
7 virtual evaluations through there -- or  
8 clinical evaluations.

9 Q. And when you say --

10 A. And my clinicians are there as well.

11 Q. And when you say "treat patients," do  
12 some of them come into that office to be  
13 treated there?

14 A. Yes, absolutely.

15 Q. How often would you say?

16 A. To me personally or -- it -- it is  
17 full of clients multiple days a week.

18 Q. Okay.

19 And how many clinicians work out  
20 of that office?

21 A. Four.

22 Q. What conditions do you see patients  
23 for?

24 A. Any kind of mental health condition,  
25 and -- well, I wouldn't say any. Our

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1 specialty is trauma, victimization, behavioral  
2 issues with children, depression, anxiety.

3 There are some conditions that we don't treat.

4 Q. And what conditions do you not treat?

5 A. Like specifically, like, severe  
6 eating disorders or severe psychosis. Things  
7 that are extremely acute and may require a  
8 higher level of care.

9 Q. Now, at the Turner Street address,  
10 what kind of business do you conduct out of  
11 there?

12 A. That houses both a general clinic for  
13 mental health issues, but it also houses, in a  
14 different building -- the building is three  
15 separate buildings with one address.

16 So there, we do the Violent  
17 Offenders Program, a lot of forensic  
18 evaluations or evaluations for family court or  
19 child protection on risk of child abuse, and  
20 we have a protective parenting program. We  
21 treat children who are victims there. And  
22 that's, you know, where we have the offender  
23 program.

24 Q. Okay.

25 And how many clinicians work out

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1 of that office?

2 A. Seven.

3 Q. And you said you treat children  
4 victims there.

5 Do you also treat adult victims  
6 there?

7 A. Yes.

8 Q. Okay.

9 And you said seven clinicians  
10 there and four at the other address. Are any  
11 of those overlapping, or are they individual  
12 people?

13 A. No. The four split their time  
14 between both of the offices.

15 Q. Okay.

16 So out of the seven that work at  
17 the Turner Street address, four of them also  
18 work at the other address?

19 A. Correct.

20 Q. Do you conduct therapy sessions at  
21 any other physical location?

22 A. No, just virtually.

23 Q. Does anyone else that works at  
24 Valliere Consulting or Counseling provide  
25 therapy at any other physical location?

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1 A. Not to my knowledge.

2 Q. What determines whether a patient is  
3 going to be treated at one location or  
4 another?

5 A. Sometimes it's where they're located,  
6 and there will never be somebody being treated  
7 for a violent offense or in the Violent  
8 Offender Program at the -- the Fogelsville  
9 office.

10 Q. Why is that? Sorry.

11 A. There are safety reasons, but also,  
12 we're unable -- we keep the offender  
13 population fairly separated physically. Like  
14 I said, with the 732 office, it's three row  
15 homes converted, and so there are separate  
16 entrances in separate facilities so we can  
17 keep the population separated that is there.

18 Q. So when you say that there's --  
19 there's separate entrances, are you just  
20 saying there's -- they're next door to each  
21 other?

22 A. Yes, it's three row homes.

23 Q. And there's a specific building for  
24 offenders?

25 A. Correct.

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1 Q. And no -- no one else is treated in  
2 that building?

3 A. Right.

4 Q. But other -- other patients are  
5 treated next door?

6 A. Two doors down, yes.

7 Q. Two doors down. Okay.

8 How many employees do you have at  
9 Valliere Counseling?

10 A. There's seven of us clinically, two  
11 administrative staff, and a third  
12 administrative staff who also does  
13 maintenance.

14 Q. Any social workers?

15 A. Yes.

16 Q. How many?

17 A. Two.

18 Q. And are you -- you're considering  
19 those clinicians?

20 A. Absolutely.

21 Q. Okay.

22 Any legal counsel?

23 A. No.

24 Q. So in total, there are, other than  
25 yourself, there are 10 people that work for

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1 Valliere Counseling?

2 A. Let me count. I think -- I think,  
3 including me, there are 10.

4 Q. Including you.

5 So when you said there's seven  
6 clinicians, one of those is -- is yourself?

7 A. Correct.

8 Q. Okay.

9 What's your hiring process like?

10 A. I do interviews. I have the person  
11 come in for a team interview, review their  
12 resume obviously, and background, do a  
13 reference check. They have to be -- pass a  
14 State Police background check, a ChildLine  
15 check, and submit fingerprints.

16 And then there's a probationary  
17 period when they become part of the team.

18 Q. Okay.

19 So you said you check their  
20 background. How do you check their  
21 background?

22 A. In Pennsylvania, we have a State  
23 Police check that checks their entire criminal  
24 record in Pennsylvania. They have a child  
25 abuse check, which is a child protection --

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1 we're echoing -- a child protection check that  
2 spans, I believe it's every 10 years. And  
3 then we do the FBI fingerprint.

4 Q. Okay.

5 So for the State Police background  
6 check, is that -- how far does that reach  
7 geographically?

8 A. I -- I'm not sure. I believe it's at  
9 least Pennsylvania, but they also have to  
10 report any criminal history in any place else  
11 to us on the resume. They have to ensure  
12 that.

13 Q. Okay. So just -- I just want to make  
14 sure that I'm clear.

15 So you ask in, like, an  
16 application for them to -- any applicant --  
17 withdrawn.

18 You ask applicants to tell you  
19 their criminal background; right?

20 A. At least, yes.

21 Q. But the State Police background  
22 check, you are not sure if that extends to any  
23 crimes outside of the state?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: I'm not sure about

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1 that. That's why we do the FBI national  
2 fingerprint.

3 I also check their licensure  
4 status, if they're licensed.

5 MR. LOVE: Okay. We'll get to  
6 that.

7 BY MR. LOVE:

8 Q. So the State Police background check,  
9 you said that checks all crimes. So is there  
10 a time limit on that check?

11 A. Not to my knowledge.

12 Q. Okay.

13 Do you know what database they  
14 use?

15 A. It's a Pennsylvania State Police  
16 check.

17 Q. And does that check for past sexual  
18 offenses?

19 A. It checks for any kind of criminal  
20 convictions.

21 Q. Does it check for arrests?

22 A. I -- I don't know.

23 Q. Does it check for acquittals?

24 A. Like I said, I don't know. There is  
25 a -- we also run them through the Pennsylvania



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1 docket, which does track arrests and  
2 acquittals and any docket number, regardless  
3 of the -- the disposition.

4 Q. When you say "Pennsylvania docket,"  
5 you mean the court dockets?

6 A. Yes.

7 Q. So that wouldn't cover arrests;  
8 right?

9 A. It does. Anything that gets a docket  
10 number would get an arrest. So if somebody is  
11 arrested, it shows that they're arrested, but  
12 it's been dismissed or nolle prossed or things  
13 like that.

14 Q. If someone is arrested but does not  
15 get charged with a crime, that would not be  
16 covered by a court docket; correct?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: I'm not entirely  
19 sure.

20 MR. LOVE: Okay.

21 BY MR. LOVE:

22 Q. Now, you said there's a child  
23 background check that goes back 10 years?

24 A. Correct.

25 Q. What database does that use?

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1           A.     It uses Pennsylvania's Child Abuse --  
2     any -- so any reports of child abuse that are  
3     indicated, validated or founded come up in  
4     that.

5           Q.     And is that only within the state?

6           A.     Correct.

7                     MS. LUHANA:   Objection to form.

8     BY MR. LOVE:

9           Q.     So if there was some sort of child  
10    abuse incident that happened outside of  
11    Pennsylvania, that check wouldn't cover it,  
12    that check in particular?

13                    MS. LUHANA:   Objection to form.

14                    THE WITNESS:   It -- it may, if the  
15    case was transferred into Pennsylvania.

16                    MR. LOVE:   Understood.

17    BY MR. LOVE:

18           Q.     So if there was a child abuse  
19    incident that happened outside of Pennsylvania  
20    that was not transferred to Pennsylvania, this  
21    background check would not cover that offense;  
22    correct?

23                    MS. LUHANA:   Objection to form.

24                    THE WITNESS:   I'm not -- I'm not  
25    sure.

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1 MR. LOVE: Okay.

2 BY MR. LOVE:

3 Q. And that goes back 10 years, you  
4 said?

5 A. Right. And it has to be renewed  
6 every 10 years while they're employed.

7 Q. The FBI fingerprint, how does that  
8 work?

9 A. We go to the -- a fingerprinting  
10 place that runs your fingerprints through the  
11 national FBI whatever, but it's the -- the  
12 national fingerprint that we have to register  
13 and get a report.

14 Q. And what information comes in this  
15 report?

16 A. Whether or not the person has any  
17 criminal history or issues related to  
18 fingerprinting across the country.

19 Q. Does that check check local crime  
20 from each state?

21 A. I don't know specifically what, but  
22 it's considered with -- with any major crime  
23 where you're fingerprinted, your fingerprints  
24 would be accessible through the fingerprint  
25 background check.

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1 Q. Well, you would agree with me that  
2 Pennsylvania has its own criminal database;  
3 right?

4 A. Right.

5 Q. So -- and the FBI has a separate  
6 criminal database; right?

7 A. Well, to my understanding, the  
8 fingerprint checks are required for any  
9 individual who has any contact with children  
10 in a mandatory kind of reporter way, or in any  
11 kind of childcare taking way. So it's  
12 supposed to track nationally any crimes that  
13 would be negative for children or any -- any  
14 crime where you would have been fingerprinted  
15 from, or if there are fingerprints related to  
16 military or law enforcement service.

17 Q. Fair enough.

18 But you're -- you're not positive  
19 that that background check checks local  
20 criminal databases; right?

21 MS. LUHANA: Objection to form.  
22 Mischaracterizes testimony.

23 THE WITNESS: I'm not sure the  
24 difference of what you're saying.

25 If somebody -- if -- if somebody

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1 has a criminal record, it would come up, so I  
2 don't know what you mean by "local."

3 I mean, I doubt that if you get a  
4 speeding ticket or a summary offense, it will  
5 show up, but...

6 BY MR. LOVE:

7 Q. Well, my question is -- is a little  
8 different.

9 So the FBI checks the FBI database  
10 for criminal history; right?

11 A. I believe it checks the NCIC. I  
12 believe it's a national -- the whole criminal  
13 background check across the country.

14 Q. So you're saying "I believe," but  
15 you're not positive that that's the case;  
16 right?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: I'm positive that  
19 it's a national check for criminal behavior.

20 MR. LOVE: Fair enough.

21 BY MR. LOVE:

22 Q. But you're not sure if that runs  
23 through, let's say, the Pennsylvania State  
24 database; right?

25 MS. LUHANA: Objection.

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1 Mischaracterizes testimony.

2 THE WITNESS: It's actually -- it  
3 would include Pennsylvania. If you commit a  
4 crime in Pennsylvania, we would know from the  
5 state, our own Pennsylvania crime check. If  
6 you commit a crime in Pennsylvania and some  
7 other state, we would know about your  
8 Pennsylvania crime and your other state crimes  
9 through the fingerprint check.

10 BY MR. LOVE:

11 Q. But that's not exactly my question,  
12 Dr. Valliere, so I just -- I want to focus in  
13 on my specific question.

14 You don't know if the -- the FBI  
15 database may check for crimes in other states,  
16 but you don't know if that check runs through  
17 local criminal databases; right?

18 MS. LUHANA: Objection to form.

19 Counsel, what local criminal  
20 databases are you talking about? You've asked  
21 this question several times.

22 MR. LOVE: The witness can answer  
23 the question. If she doesn't understand, she  
24 can ask me.

25 THE WITNESS: Well, I -- I don't

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1 understand what you mean by "local criminal."  
2 If -- if -- if there's a national crime  
3 database, like the NCIC, which I look at all  
4 the time for when I evaluate sex offenders,  
5 that's any arrest in any state, whatever  
6 happens.

7 So I'm -- I don't understand what  
8 you mean by "local."

9 BY MR. LOVE:

10 Q. So when you run a Pennsylvania State  
11 Police background check, that runs through the  
12 Pennsylvania criminal database; right?

13 A. As far as I know.

14 Q. Okay.

15 And the FBI runs a check through  
16 the FBI criminal database; right, or the NCIC?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: Which encompasses  
19 also Pennsylvania.

20 BY MR. LOVE:

21 Q. But it doesn't encompass their  
22 database; correct?

23 MS. LUHANA: Objection to form.

24 THE WITNESS: I -- I don't  
25 understand.

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1 BY MR. LOVE:

2 Q. Are you aware if Pennsylvania --  
3 withdrawn.

4 Are you aware if the Pennsylvania  
5 State Police partners with the FBI?

6 MS. LUHANA: Objection to form.

7 THE WITNESS: I don't -- really, I  
8 don't understand what you're asking me.

9 If you file your fingerprints for  
10 a crime in Pennsylvania, it goes into a  
11 national database. If you ask for fingerprint  
12 background check, it will give you the whole  
13 national database of fingerprints.

14 BY MR. LOVE:

15 Q. But my question -- sorry, Doctor.

16 My question is just, do you know  
17 if the Pennsylvania State Police partners with  
18 the FBI?

19 MS. LUHANA: Objection to form.

20 THE WITNESS: I don't know if it's  
21 a specific FBI-driven fingerprint. It is a  
22 background investigation that should produce  
23 your criminal history, wherever it happened in  
24 the United States.

25 MR. LOVE: Okay. But that's not



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1 my question.

2 BY MR. LOVE:

3 Q. My question is, do you know if the  
4 Pennsylvania State Police partners with the  
5 FBI; yes or no?

6 A. I don't even know what you mean by  
7 partnering. I don't understand that question,  
8 I'm sorry.

9 Q. Okay. That's fine.  
10 You said you check licensure.  
11 What do you mean by that?

12 A. If an individual promotes that they  
13 have a state license to provide services to  
14 clients, like a licensed social worker or a  
15 licensed professional counselor or licensed  
16 psychologist, we look at the status of their  
17 license in Pennsylvania.

18 Q. You just look at the status, you  
19 don't -- withdrawn.

20 Do you check if there's a  
21 disciplinary record for that person?

22 A. That would be listed in their status,  
23 if there's ever been a disciplinary.

24 Q. Understood.

25 Would it also say if their license

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1 has ever been suspended?

2 A. Yes.

3 Q. Have you ever run a background check  
4 for a potential employee that's come back  
5 positive for a past crime?

6 A. Yes.

7 Q. How did you handle that situation?

8 A. I hired that person. That's a  
9 counselor I work with now who has had a long,  
10 30-year ago, history of drug addiction, and  
11 she became a therapist and a certified  
12 addiction counselor and told me that she had a  
13 criminal history prior to her recovery.

14 Q. When did you hire her?

15 A. Oh, she's been working with me for --  
16 almost consistently for 30 years.

17 Q. Okay.

18 Is there any other time that  
19 you've had someone come -- run a background  
20 check and had a potential employee come back  
21 positive for criminal history?

22 A. Yes. A few years ago, someone  
23 applied, and when we looked -- looked at his  
24 name, he had been arrested for a sexual  
25 offense. It was in the media, it was in the

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1 newspaper, and I declined to hire him.

2 Q. When was that?

3 A. Hmm, probably -- maybe during COVID.  
4 Around that time.

5 Q. And was there any other time other  
6 than the two that you've already mentioned  
7 that you've run a background check and it's  
8 come back positive for a crime?

9 MS. LUHANA: Objection to form.  
10 Counsel, are you focused on a  
11 particular time?

12 MR. LOVE: No. I'm just asking  
13 generally.

14 THE WITNESS: I believe when I've  
15 worked for other agencies who also hired  
16 recovering counselors, many counselors in the  
17 drug and alcohol field are in recovery and  
18 become certified addiction counselors, and  
19 some of those had criminal -- obviously  
20 criminal background checks.

21 BY MR. LOVE:

22 Q. How many times would you say, for  
23 Valliere Counseling, have you hired someone  
24 who you ran a background check and they came  
25 back positive for criminal history?

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1 MS. LUHANA: Objection to form.

2 THE WITNESS: That I've hired?

3 MR. LOVE: Yes.

4 THE WITNESS: I can only think of  
5 two, the counselor I mentioned and another  
6 counselor who had a DUI.

7 BY MR. LOVE:

8 Q. And when did you hire the counselor  
9 with the DUI?

10 A. Oh, 2002.

11 Q. And when was the DUI?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: Probably -- I have  
14 no idea. Maybe in the late '80s.

15 BY MR. LOVE:

16 Q. Once an employee is hired at Valliere  
17 Counseling, do you run background checks  
18 again?

19 A. Yes. We have to do fingerprinting  
20 every five years. The State Police check  
21 every -- I'm not sure when that one is, and  
22 the ChildLine check. It expires every 10  
23 years, but we have to renew it every couple  
24 years.

25 Q. When you say you have to, is this

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1 mandated by a law?

2 A. I'm not sure if it's mandated by a  
3 state law, but it is mandated by some of the  
4 contracts we have. And I would do it anyway.  
5 That's just been my general practice.

6 Q. And when you say "contracts," what do  
7 you mean by that?

8 A. We have contracts with child  
9 protection agencies which have standards of  
10 regulatory background checks to ensure that  
11 the children in their care are safe.

12 Q. So your contracts with child  
13 protection agencies mandate that you run  
14 certain background checks?

15 A. Correct. And I'm sure they're  
16 governed by state mandates for child welfare.

17 Q. Do you have an ongoing monitoring  
18 system where, if one of your employees commits  
19 a crime, you would be alerted?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: Except for just  
22 working with them?

23 MR. LOVE: Correct.

24 BY MR. LOVE:

25 Q. If -- if one of your employees were

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1 to commit a crime, would you get an alert from  
2 some sort of -- from the police or some sort  
3 of body that would let you know that they've  
4 committed a crime?

5 A. I don't think so, but I can't think  
6 of a situation where I wouldn't know that.  
7 We're closely involved with the D.A.'s Office  
8 and law enforcement, and it would be -- it  
9 would be hard for me to imagine a situation  
10 where I would not know that.

11 Q. But just to be clear, you don't have  
12 an actual monitoring system that would alert  
13 you if one of your employees committed a  
14 crime?

15 MS. LUHANA: Objection. Asked and  
16 answered.

17 THE WITNESS: No formal external  
18 agency that would send an alert to me, no.

19 MR. LOVE: Okay.

20 BY MR. LOVE:

21 Q. Dr. Valliere, how many patients do  
22 you personally treat at one time?

23 A. When you say "at one time," like --  
24 like what's my caseload now?

25 Q. Yes.

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1                   For, on average, how many -- how  
2 many patients would you take on at the same  
3 time?

4           A.     Like, my practice is not primarily  
5 individual patients now. I have a small  
6 caseload and take on clients all the time for  
7 evaluations or consultations.

8                   So I maybe have an ongoing  
9 caseload of five clients now, and then  
10 depending on the week, whatever I get  
11 assigned, if I'm supposed to evaluate somebody  
12 or assist in the care of somebody as a  
13 supervisor.

14          Q.     Okay.

15                   And what about your practice; how  
16 many clients would you say your practice has  
17 at one time?

18          A.     Oh, that varies.

19                   So most -- so I would say probably  
20 an average of, with all the clinicians, maybe  
21 100 at a time on an ongoing basis, or more,  
22 depending on if they're getting evaluations or  
23 assessments or they're in ongoing care.

24          Q.     So over the course of a year, how  
25 many patients does your business treat?

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1 MS. LUHANA: Objection to form.

2 THE WITNESS: That's a little bit  
3 difficult because some are long-term clients.  
4 So I would say anywhere between 150 and 250.

5 BY MR. LOVE:

6 Q. Okay.

7 And you said on a week-to-week  
8 basis, you get assigned. How often are you  
9 actually in a room treating a patient?

10 A. It depends on the week. Sometimes  
11 it's five hours a week. Sometimes -- for  
12 instance, this week, I was in with patients, I  
13 think, seven hours. Some weeks it's  
14 zero hours if I'm traveling.

15 Q. Now, we talked a little bit about  
16 this, but your business treats a variety of  
17 different patients; right?

18 A. Correct.

19 Q. Do you treat victims of sexual  
20 assault?

21 A. Yes.

22 Q. And sexual offenders?

23 A. Correct.

24 Q. Do you treat perpetrators of child  
25 abuse?



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1 A. Yes.

2 Q. And perpetrators of child sex abuse?

3 A. Yes.

4 Q. And then you also provide basic  
5 therapy and mental health services; right?

6 A. That's right.

7 Q. Even to people who have not  
8 experienced any trauma or sexual abuse?

9 A. Correct.

10 Q. And then you also provide youth  
11 counseling services; right?

12 A. We -- we treat people from age 5 to  
13 80.

14 Q. How do you know if someone you're  
15 treating is a sexual offender or not?

16 A. Most often, their main -- they've  
17 been convicted and are mandated.

18 Occasionally, people come in who  
19 have allegations and they need an evaluation  
20 or assessment. And some are self-identified  
21 who are seeking help for thoughts, fantasies  
22 or urges, or are pre-conviction, who want to  
23 get started in therapy.

24 Q. So most of the sexual offenders you  
25 treat are self-identifying or are identified

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1 for you?

2 MS. LUHANA: Objection to the  
3 form.

4 THE WITNESS: That's right.

5 BY MR. LOVE:

6 Q. Are you aware if you treat any sexual  
7 offenders who do not identify as sexual  
8 offenders?

9 A. I -- I don't quite understand that  
10 question.

11 Q. Sure. Let me -- let me reword it.  
12 So are you positive that some --  
13 someone you treat -- withdrawn.

14 Well, sexual offenders are -- are  
15 good at concealing themselves; right?

16 A. They can be, yes.

17 Q. So is it possible that some of your  
18 clients are sexual offenders and you don't  
19 know?

20 A. I guess it's possible.

21 Q. And are there clients who come to you  
22 that don't claim to be sexual offenders that  
23 you later find out are sexual offenders?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: Yes. We usually

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1 identify that during the course of their  
2 therapy, that they are.

3 BY MR. LOVE:

4 Q. And how do you identify that?

5 MS. LUHANA: Objection to form.

6 Counsel, are you talking about  
7 people she's treating?

8 MR. LOVE: The witness can ask me  
9 if she's confused.

10 THE WITNESS: How do we identify  
11 if someone were -- I lost the question, I'm  
12 sorry.

13 MR. LOVE: No problem.

14 BY MR. LOVE:

15 Q. So you said that you usually -- if  
16 someone doesn't identify as a sexual offender  
17 and you later find out they are, you are able  
18 to identify that in the course of treatment.

19 I'm just asking how -- how do you  
20 identify that?

21 MS. LUHANA: Objection to form.

22 THE WITNESS: Well, the truth  
23 is -- is that even people who are identified  
24 by the Court as sexual offenders say they're  
25 not, so they deny their involvement.

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1                   People may present and be vague or  
2     hedge about, say, being in trouble on the  
3     Internet. And through our expertise and  
4     questioning and ability to deal with denial  
5     and engage in the appropriate kind of  
6     treatment, we can get people to either reveal  
7     that they are -- have committed a sex offense,  
8     or break through their denial and get them  
9     into some level of acceptance.

10                  MR. LOVE: Okay.

11     BY MR. LOVE:

12                  Q.     When a patient comes in off the  
13     street to request services, you don't run a  
14     background check on that patient, do you?

15                  A.     No.

16                  Q.     And in your intake forms, do you ask  
17     if they've committed any crimes?

18                  A.     We ask about a variety of problematic  
19     behaviors, including crimes.

20                  Q.     Now, part of your practice is to  
21     treat parents who present a danger to  
22     children; right?

23                  A.     Yes.

24                  Q.     Whether that danger is violence?

25                  A.     It -- it may be physical violence,

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1 sexual violence or psychological maltreatment  
2 or neglect, substance abuse.

3 Q. And sometimes those parents actually  
4 have committed those offenses against their  
5 children; right?

6 A. Oh, absolutely.

7 Q. And in some of those cases, your goal  
8 is to reunify that parent with their child?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: It's not necessarily  
11 our goal. It may be tasked by the Court that  
12 that's the ultimate goal, but that does not  
13 always work out.

14 MR. LOVE: Understood.

15 BY MR. LOVE:

16 Q. But as a clinician, it is one of your  
17 goals to at least try to reunify a parent with  
18 their child, even if they committed abuse  
19 against their child?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: It may be, it may  
22 not be.

23 BY MR. LOVE:

24 Q. Now, I just want to ask about your  
25 practice and your licensure to make sure that

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1 I understand the bounds of it.

2 So you're a psychologist; right?

3 A. Correct.

4 Q. Which means you're not a medical  
5 doctor?

6 A. Right.

7 Q. You're not a psychiatrist?

8 A. Right.

9 Q. And you can't prescribe medication?

10 A. I cannot.

11 Q. Okay.

12 And you're not an expert in  
13 Rideshares; right?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: I would say I'm an  
16 expert in sexual assault and Rideshare and how  
17 it comports with the risk of sexual assault  
18 and sex offenders and victims.

19 BY MR. LOVE:

20 Q. But you're not an expert in Rideshare  
21 services; correct?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: I'm not sure what an  
24 expert in Rideshare is. I'm an expert in how  
25 Rideshare and sexual assault go together,

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1 which is what my opinion reflects.

2 BY MR. LOVE:

3 Q. Well, you testified this last  
4 September; right?

5 A. I'm sorry -- testified to what last  
6 September?

7 Q. You -- you testified in court in  
8 September; correct?

9 A. Correct.

10 Q. And you said, "I'm not an expert on  
11 Rideshare platforms"; right?

12 MS. LUHANA: Objection to form.

13 Counsel, do you have something to  
14 show her?

15 MR. LOVE: I'm asking her a  
16 question and I'll show her a document if I  
17 need to.

18 BY MR. LOVE:

19 Q. Do you recall -- apologies.

20 A. I guess I'm -- you're right, I said  
21 that, but I'm talking about I'm an expert in  
22 Rideshare and sexual assault, which is what is  
23 reflected in my opinion.

24 Q. But just --

25 A. I don't understand what a Rideshare

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1 expert, other than outside the scope of my  
2 opinion, would be.

3 Q. Okay.

4 So understanding that you are an  
5 expert in sexual assault in Rideshares, that  
6 -- that's what you're testifying to, you are  
7 not an expert in Rideshare services generally;  
8 correct?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: I guess I don't know  
11 what areas I would need to be an expert in for  
12 this opinion.

13 MR. LOVE: But that wasn't my  
14 question, though, Dr. Valliere.

15 BY MR. LOVE:

16 Q. My just -- my question is just, you  
17 are not a Rideshare expert; correct?

18 MS. LUHANA: Objection. Calls for  
19 a legal conclusion.

20 THE WITNESS: I -- I -- I guess --  
21 can you specify the area of Rideshare  
22 expertise that would apply to my opinion that  
23 I'm not an expert in and maybe that will be  
24 helpful?

25 MR. LOVE: Sure.



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1 BY MR. LOVE:

2 Q. You're not an expert in any safety  
3 mechanisms and how they affect Rideshares;  
4 correct?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: I guess I -- in  
7 terms of in relationship to my opinion, I  
8 would talk about safety measures and how it  
9 impacts deterrence or prevention or the  
10 psychology of a victim or consumer.

11 BY MR. LOVE:

12 Q. But you've never conducted any  
13 studies about how those safety features  
14 actually affect Rideshares; right?

15 MS. LUHANA: Object to form.

16 THE WITNESS: I have not conducted  
17 studies, no.

18 MR. LOVE: Okay.

19 BY MR. LOVE:

20 Q. And -- withdrawn.

21 You're not an expert in -- in  
22 public transportation; right?

23 MS. LUHANA: Objection. Calls for  
24 a legal conclusion.

25 THE WITNESS: In -- can you

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1 specify an expert in public transportation? I  
2 feel like I have expertise in sexual assault  
3 in some of those areas, but...

4 BY MR. LOVE:

5 Q. So putting sexual assault aside, you  
6 are not an expert in transportation services  
7 generally; right?

8 MS. LUHANA: Objection to form.  
9 It's asking for a legal conclusion here.

10 THE WITNESS: I am not, and I -- I  
11 wouldn't give an opinion on that, just in  
12 sexual assault.

13 MR. LOVE: Okay.

14 BY MR. LOVE:

15 Q. And you're not a marketing expert?

16 MS. LUHANA: Objection to the  
17 form. Calls for a legal conclusion.

18 THE WITNESS: I would say while I  
19 don't have a formal degree in marketing, I --  
20 marketing is steeped in the types of  
21 psychology I am an expert in, like cognitive  
22 psychology, social psychology, biases,  
23 consumer sentiment and behavior, the kind of  
24 issues with tapping into consumer emotions,  
25 risk decision-making. Those kind of things, I

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1 am an expert in.

2 BY MR. LOVE:

3 Q. You don't have a degree in marketing,  
4 do you?

5 MS. LUHANA: Objection to form.  
6 Asked and answered.

7 THE WITNESS: I do not have a  
8 degree in marketing.

9 BY MR. LOVE:

10 Q. You've never taken classes in  
11 marketing?

12 MS. LUHANA: Objection to form.  
13 Mischaracterizes her testimony.

14 MR. LOVE: I'm not characterizing  
15 any testimony; I'm asking her a question.

16 BY MR. LOVE:

17 Q. You've never taken any classes in  
18 marketing; correct?

19 A. I've taken classes in consumer  
20 behavior decision-making and how it affects  
21 people's assessment of risk. So many of the  
22 concepts used in marketing, I have taken  
23 classes in.

24 Q. You have not been trained by someone  
25 with a marketing degree?

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1 MS. LUHANA: Objection to form.

2 THE WITNESS: No.

3 BY MR. LOVE:

4 Q. You've never taken any public  
5 relations classes?

6 MS. LUHANA: Objection to the  
7 form.

8 THE WITNESS: I'm not sure.  
9 That's a pretty broad area, and there's --  
10 again, much of psychology goes into public  
11 relations, forming relations, presenting,  
12 getting the messages through the target  
13 audience, organizing social psychology,  
14 working with social groups.

15 So again, a lot of the -- the term  
16 "public relations" is too broad. I have a lot  
17 of information as a psychologist about public  
18 relations.

19 BY MR. LOVE:

20 Q. But you have never taken any class  
21 that is labeled a public relations class;  
22 correct?

23 MS. LUHANA: Objection to form.

24 THE WITNESS: I can't be sure of  
25 that. Those are the types of classes that,

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1 when you're getting a bachelor's degree, you  
2 may have public relations, so I don't know.

3 BY MR. LOVE:

4 Q. You can't recall one that you've  
5 taken?

6 A. I cannot.

7 Q. Okay.

8 And you don't have a degree in  
9 public relations?

10 MS. LUHANA: Objection to form.

11 THE WITNESS: I don't have a  
12 degree in public relations, no.

13 BY MR. LOVE:

14 Q. You're not a regulatory expert?

15 MS. LUHANA: Objection to form.  
16 Calls for a legal conclusion.

17 THE WITNESS: No, I'm not a public  
18 regular -- regulatory expert.

19 BY MR. LOVE:

20 Q. You're not an expert in statistics?

21 MS. LUHANA: Objection to form.  
22 Calls for a legal conclusion.

23 THE WITNESS: I've had quite a few  
24 classes in statistics and understanding data.

25 BY MR. LOVE:

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1 Q. You're not an expert in statistics;  
2 right? You would not hold yourself out as an  
3 expert in statistics?

4 MS. LUHANA: Objection to form.  
5 Asked and answered.

6 THE WITNESS: I do not work in the  
7 statistics industry.

8 BY MR. LOVE:

9 Q. And you don't have a degree in  
10 statistics?

11 MS. LUHANA: Objection to form.  
12 Asked and answered.

13 THE WITNESS: I don't have a  
14 specific degree in statistics, just education  
15 about statistics.

16 BY MR. LOVE:

17 Q. And you would not hold yourself out  
18 as an expert in epidemiology, would you?

19 MS. LUHANA: Objection to form.  
20 Calls for a legal conclusion.

21 THE WITNESS: I understand  
22 epidemiology, we use it in psychological  
23 research, but I do not work as an  
24 epidemiologist.

25 BY MR. LOVE:

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1 Q. And you do not have a degree in  
2 epidemiology?

3 A. Correct.

4 Q. You don't work in law enforcement?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: I train law  
7 enforcement, I educate them and I work closely  
8 with them, including consultation. I am not a  
9 law enforcement officer.

10 BY MR. LOVE:

11 Q. And you don't have any sort of degree  
12 in law enforcement; correct?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: A -- a degree in law  
15 enforcement? I -- I don't have a criminal  
16 justice degree, I just am a forensic  
17 psychologist, which does a lot of criminal  
18 justice study, information, consultation, and  
19 much of my treatment is steeped in  
20 criminology.

21 BY MR. LOVE:

22 Q. And you would not hold yourself out  
23 as an expert in corporate governance; right?

24 MS. LUHANA: Objection to form.

25 Calls for a legal conclusion.

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1 THE WITNESS: I would not.

2 MR. LOVE: Let's pull up Tab 35,  
3 please.

4 MS. DELANEY: Would you like to  
5 mark it as an exhibit, Cohl?

6 MR. LOVE: Yes. Let's mark that  
7 as Exhibit 2, please. Thank you, Ms. Delaney.

8 (Whereupon, a document was marked,  
9 for identification purposes, as Exhibit 2.)

10 MS. DELANEY: Okay. It is added  
11 to the file share. I can go ahead and  
12 screen-share it as well if you'd like.

13 MR. LOVE: Can you see that, Dr.  
14 Valliere, on your end?

15 THE WITNESS: Yep. It just came  
16 up.

17 MR. LOVE: Perfect. So no need to  
18 screen-share, Ms. Delaney.

19 BY MR. LOVE:

20 Q. So this is your invoice; correct?

21 A. Yes.

22 Q. When did your work that's identified  
23 on this invoice begin?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: Sometime in the



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1 spring of this year.

2 BY MR. LOVE:

3 Q. And it ends on October 22nd, 2025?

4 MS. LUHANA: Objection.

5 THE WITNESS: Correct. The work  
6 doesn't end, the -- the invoice ends, yes.

7 MR. LOVE: Right.

8 BY MR. LOVE:

9 Q. And there is a chunk -- a large chunk  
10 sum here of \$43,087.50.

11 How much of that was time spent  
12 talking to the attorneys in this case?

13 A. Hmm, probably about 10 percent.

14 Q. Okay.

15 And how much was reviewing  
16 documents?

17 A. Probably about 70 percent.

18 Q. And when you say -- when I say  
19 "reviewing documents," what I'm referring to  
20 is -- withdrawn.

21 When you say -- when you talk  
22 about reviewing documents, are you talking  
23 about reviewing documents that you reviewed  
24 for this particular report, or reviewed for  
25 this case in general?

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1 A. Are you talking about the previous  
2 Uber case?

3 Q. Maybe I can -- I can make that a  
4 little clearer.

5 Did you re-review any documents  
6 that you used in your -- your prior report for  
7 the JCCP?

8 A. Possibly.

9 Q. Do you recall any specific ones that  
10 you did re-review?

11 A. I -- I looked at the Safety Report  
12 again, community guidelines, and maybe some  
13 other specific documents where I wanted to get  
14 more clarity or just needed to remind myself.

15 Q. How many would you say you  
16 re-reviewed?

17 A. Oh, I --

18 MS. LUHANA: Objection to form, to  
19 the extent you remember.

20 THE WITNESS: I have no idea.

21 BY MR. LOVE:

22 Q. Could you give me your best  
23 estimation?

24 MS. LUHANA: Objection to form.  
25 Asked and answered.

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1 BY MR. LOVE:

2 Q. In other words, was it more than 10  
3 documents?

4 MS. LUHANA: Objection to form.  
5 Asked and answered.

6 THE WITNESS: Prob -- probably 10  
7 or 20.

8 MR. LOVE: Okay. Thank you for  
9 that, Dr. Valliere.

10 BY MR. LOVE:

11 Q. And then how much of this time was  
12 spent actually drafting any revisions to your  
13 report?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: I think what's left  
16 is 20 percent, if my math is right.

17 MR. LOVE: Okay.

18 BY MR. LOVE:

19 Q. And when you were -- when you revised  
20 your report, you used the JCC report as a base  
21 for the report in this action; correct?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: Yeah, I added a lot  
24 to it, but much of the -- the information can  
25 be reiterated.

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1 MR. LOVE: Right.

2 BY MR. LOVE:

3 Q. Much of -- much of the information  
4 that is in the JCCP report is identical to  
5 what's in the MDL report; right?

6 MS. LUHANA: Objection.

7 THE WITNESS: I -- I don't know if  
8 much, but I'll -- definitely some is.

9 MR. LOVE: Okay. Now if we could  
10 pull up Tab 34 and mark that as Exhibit 3.

11 (Whereupon, a document was marked,  
12 for identification purposes, as Exhibit 3.)

13 MS. DELANEY: Just added.

14 MR. LOVE: Thank you, Ms. Delaney.

15 BY MR. LOVE:

16 Q. Dr. Valliere, can you see your  
17 invoice from July 18, 2025?

18 A. Yes.

19 Q. Okay.

20 So when did the work for this  
21 invoice begin?

22 A. Either late in 2024 or the very, very  
23 beginning of 2025.

24 Q. Okay.

25 And it ended July 2nd, 2025, this

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1 invoice?

2 A. Yes.

3 Q. So over the course of six to  
4 seven months, you billed \$15,750; correct?

5 A. Yes. And there was some additional  
6 hours I found in another invoice that I  
7 submitted, another invoice.

8 Q. How many hours?

9 A. I -- I -- I didn't review it, but I  
10 think it was like 17 maybe.

11 Q. Has that invoice been produced?

12 A. I have no -- I have given it to the  
13 attorneys. I don't know.

14 MR. LOVE: Okay. I'm going to go  
15 ahead and call for production of that, because  
16 I don't believe that Uber has received it.  
17 And Roopal, we can talk about that off the  
18 record.

19 MS. LUHANA: Sure.

20 BY MR. LOVE:

21 Q. Is there any reason as to why this  
22 invoice is so much smaller than your invoice  
23 for the last couple of months?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: Yes. I spent --

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1     there were -- this invoice reflects  
2     information from Uber prior to 2020, and so  
3     there was a lot of supplementary information,  
4     new documents, new depositions, new evidence,  
5     new discovery that came in, including more  
6     recent news articles, all of those things.

7             There's significantly more  
8     information to glean.

9     BY MR. LOVE:

10            Q.     When you say "news articles," did you  
11     review -- did you rely on news articles in  
12     coming to your conclusions in this case?

13            MS. LUHANA:   Objection to form.

14            THE WITNESS:   Only the conclusion  
15     that Uber has an ongoing sexual assault  
16     problem that has not been solved.

17     BY MR. LOVE:

18            Q.     So your conclusion that Uber has an  
19     ongoing sexual assault problem, at least in  
20     part, relies on news articles?

21            MS. LUHANA:   Objection to form.  
22     Mischaracterizes the testimony.

23            THE WITNESS:   News articles are  
24     just examples of that this is a persistent  
25     problem up to 2025.   It doesn't form my

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1 opinion.

2 MR. LOVE: Okay.

3 BY MR. LOVE:

4 Q. And any article that you relied on,  
5 did you identify that in your report or your  
6 Materials Considered list?

7 A. I believe it is Appendix B.

8 Q. And any article that you relied on  
9 would be included in Appendix B?

10 MS. LUHANA: Objection to form.

11 THE WITNESS: Yes.

12 BY MR. LOVE:

13 Q. Did you review more documents in the  
14 last couple of months than you reviewed in  
15 conjunction with this invoice that you  
16 submitted on July 2nd, 2025?

17 A. Absolutely.

18 MR. LOVE: Oh, we can -- oh, I  
19 guess you can put that away, Dr. Valliere.  
20 Okay.

21 BY MR. LOVE:

22 Q. In your report, you have not come to  
23 any conclusions about any individual  
24 plaintiff's case in this action; correct?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: Right. It -- I  
2 understand the basics of -- the basics of the  
3 Complaints and believe that my general opinion  
4 would serve to identify elements in those  
5 Complaints, but I did not -- I didn't  
6 interview or evaluate any particular person.

7 BY MR. LOVE:

8 Q. So you don't intend to offer any  
9 case-specific opinions at trial; right?

10 MS. LUHANA: Objection to form.

11 THE WITNESS: Other than --

12 MS. LUHANA: Objection to legal  
13 conclusion.

14 THE WITNESS: I'm sorry.

15 (Court reporter clarification.)

16 THE WITNESS: Other than how my  
17 opinions in my report conform or comport with  
18 the allegations, nothing specific towards  
19 them.

20 BY MR. LOVE:

21 Q. And you're not offering any opinions  
22 that sexual misconduct did or did not occur in  
23 any particular Uber ride; correct?

24 MS. LUHANA: Object to form.

25 THE WITNESS: I am not.



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1 BY MR. LOVE:

2 Q. You're not offering any opinions as  
3 to whether Uber acted reasonably with regard  
4 to any particular investigation; correct?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: No, not specifically  
7 targeted towards a particular case.

8 BY MR. LOVE:

9 Q. You're not offering any opinions as  
10 to any particular plaintiff's allegations?

11 MS. LUHANA: Objection to form.

12 THE WITNESS: No, just other  
13 identifying things that could be applied to  
14 that case that may come out of my report.

15 BY MR. LOVE:

16 Q. And you're not offering any opinions  
17 as to any particular plaintiff's mental health  
18 or historical or alleged trauma; correct?

19 MS. LUHANA: Objection to the  
20 form.

21 THE WITNESS: No. I just talk  
22 about general impact of trauma and the -- and  
23 the potential damages of being sexually  
24 assaulted in my report.

25 BY MR. LOVE:

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1 Q. You did not interview any plaintiff  
2 in this action; right?

3 A. I didn't.

4 Q. You did not interview any individuals  
5 in connection with their conclusions in this  
6 action?

7 A. Any particular individuals? In this  
8 case, no.

9 Q. And you have not evaluated any  
10 plaintiff in connection with your opinions in  
11 this action?

12 A. That's right.

13 Q. And you don't intend to do so before  
14 trial?

15 MS. LUHANA: Objection to form.

16 THE WITNESS: Not to my knowledge.

17 BY MR. LOVE:

18 Q. Now, you wrote in your report that  
19 you are not offering opinions about Uber's  
20 branding and marketing, so I want to make  
21 sure.

22 You are not offering any opinions  
23 about Uber's marketing; correct?

24 MS. LUHANA: Objection to form.

25 Counsel, do you want to show her

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1 the report or something specific?

2 MR. LOVE: I will show her the  
3 report if she needs to see the report.

4 THE WITNESS: Well, I don't -- I  
5 don't recall that specific statement, but what  
6 I am offering opinions on is how just the  
7 psychology of marketing and how it may  
8 psychologically impact decision-making on  
9 potential victims.

10 BY MR. LOVE:

11 Q. Nothing beyond that?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: I -- I don't think  
14 so.

15 BY MR. LOVE:

16 Q. You would say that offenders often  
17 hide in plain sight; correct?

18 MS. LUHANA: Objection to form.

19 THE WITNESS: They can.

20 BY MR. LOVE:

21 Q. You would say they have an excellent  
22 capacity for presenting themselves in a  
23 pro-social way?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: I do think they do,

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1 which is why we have to be diligent in all  
2 efforts to be preventative and -- and  
3 proactive and engage in deterrence efforts.

4 MR. LOVE: Great.

5 BY MR. LOVE:

6 Q. They're incredibly skilled at  
7 concealing actions; right?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: They can be, yes.

10 BY MR. LOVE:

11 Q. And they commit offenses everywhere  
12 without getting caught; right?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: I think that's too  
15 broad of a statement, but I -- that can happen  
16 if the environment allows that and is tolerant  
17 of -- or provides characteristics that can  
18 allow an offender to get away with things.

19 BY MR. LOVE:

20 Q. Well, you've had clients that have  
21 offended in -- in various different places  
22 that you would think are safe from sexual  
23 assaults; right?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: I have had clients

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1 when there is no offend and things that give  
2 the impression or illusion of safety or  
3 presumption of safety, when, in fact, it  
4 really wasn't safe.

5 BY MR. LOVE:

6 Q. So, for example, you -- you had a  
7 client who sexually abused a little girl in  
8 the middle of church; right?

9 A. That's -- yes, I did.

10 Q. And when -- and when that happened,  
11 her mother was sitting right next to her;  
12 right?

13 MS. LUHANA: Objection to form.

14 Doctor, I would advise you, if  
15 you're going into a confidential case and  
16 going to discuss the specifics of it, to the  
17 extent there's a confidentiality agreement  
18 covering the case.

19 (Court Reporter Clarification.)

20 THE WITNESS: I believe this is an  
21 example of an offender from my book, so  
22 there's no confidentiality issues, yes.

23 And -- and that's a perfect  
24 example of where, when the decision-makers are  
25 convinced that something's safe, their

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1 identification of risk becomes problematic.

2 BY MR. LOVE:

3 Q. So typically, people would think that  
4 when you're around your parents, you're safe  
5 from sexual assault; right?

6 MS. LUHANA: Objection to form.

7 THE WITNESS: Not just being  
8 around their parents, but in the environment  
9 of a church setting, which promotes an  
10 illusion of trust, dictates that you're safe  
11 and creates an environment where people let  
12 their guards down and an environment of  
13 familiarity.

14 MR. LOVE: So I just want to make  
15 sure that the answer is clear for the record.

16 BY MR. LOVE:

17 Q. So even though you would typically  
18 think that this environment was safe, it was  
19 not; right?

20 MS. LUHANA: Objection to form.

21 Asked and answered.

22 THE WITNESS: It -- it -- it could  
23 have been safe. It was not safe because of  
24 the elements I discussed that are related to  
25 some of the lack of deterrence in the Uber

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1 model, that when somebody or some -- something  
2 becomes familiar, promotes itself as safe and  
3 trustworthy, like the offender did with the  
4 parent, the assessment of risk and  
5 decision-making about that safety gets  
6 compromised for the potential supervisor or  
7 victim.

8 BY MR. LOVE:

9 Q. Well, it wasn't safe also because  
10 there was a sexual offender; right?

11 MS. LUHANA: Objection to form.

12 Counsel, what are we talking about  
13 here? What wasn't safe? I think --

14 MR. LOVE: If the witness doesn't  
15 understand the question, she can ask me to  
16 clarify. I would ask that you stop with  
17 speaking objections and coaching the witness.

18 MS. LUHANA: I'm not coaching the  
19 witness.

20 BY MR. LOVE:

21 Q. Dr. Valliere --

22 MS. LUHANA: I'm just asking for  
23 the record.

24 MR. LOVE: Dr. Valliere, I'll  
25 clarify my question.

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1 MS. LUHANA: You're asking an  
2 ambiguous question, so I just wanted clarity  
3 so we have a clean record, counsel.

4 BY MR. LOVE:

5 Q. Dr. Valliere, we were talking about  
6 an instance when one of your clients offended  
7 in the middle of a church.

8 And I just want to be clear that  
9 that environment wasn't safe, at least in  
10 part, because there was a sexual offender  
11 there; right?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: And that offender  
14 was trusted.

15 BY MR. LOVE:

16 Q. You would agree that most often, no  
17 one will know about an offense other than the  
18 offender and the actual person who is  
19 victimized; right?

20 MS. LUHANA: Objection to form and  
21 the hypothetical.

22 THE WITNESS: I'm -- can you be a  
23 little more clear about your question in terms  
24 of --

25 MR. LOVE: Sure.



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1 BY MR. LOVE:

2 Q. So in terms of a sexual offense,  
3 usually the only two people that know about  
4 that offense are the offender and the victim;  
5 right?

6 MS. LUHANA: Objection to form.

7 THE WITNESS: Given that there are  
8 no witnesses, no monitoring, no capturing of  
9 that behavior.

10 BY MR. LOVE:

11 Q. So that's a yes?

12 MS. LUHANA: Objection.  
13 Mischaracterizes her testimony.

14 THE WITNESS: With those  
15 conditions that I outlined.

16 MR. LOVE: Okay.

17 BY MR. LOVE:

18 Q. And most offenders have multiple  
19 victims; right?

20 MS. LUHANA: Objection to the  
21 hypothetical.

22 THE WITNESS: Most offenders have  
23 multiple victims that go unreported or un --  
24 unconvicted.

25 BY MR. LOVE:

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1 Q. Now, you spoke about this in your  
2 book, but offenders are very adept at  
3 analyzing and assessing risks; right?

4 MS. LUHANA: Objection to form.

5 THE WITNESS: I would agree with  
6 that, as well as assessing environments that  
7 are not protective.

8 BY MR. LOVE:

9 Q. And it's your opinion that they have  
10 a greater knowledge of risk and consequences  
11 than the general public; right?

12 MS. LUHANA: Objection to form and  
13 the hypothetical.

14 THE WITNESS: That's what makes  
15 their -- the -- the critical nature of  
16 deterrence and prevention so salient for me,  
17 is that they can assess an environment, a  
18 potential victim. They can assess the  
19 responsivity of the environment to a crime.

20 So that's why I stress repeatedly  
21 in my report of the responsibility of people  
22 who provide environments that can be very  
23 fertile for sexual assault to put deterrence  
24 in there.

25 MR. LOVE: Understood. But you --

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1 you didn't exactly answer my question, so I  
2 just want to make sure we have a clear  
3 response on the record.

4 BY MR. LOVE:

5 Q. You would agree with me that  
6 offenders have a greater knowledge of risk and  
7 consequences than the public; correct?

8 MS. LUHANA: Objection to form and  
9 hypothetical.

10 THE WITNESS: I -- I thought I did  
11 answer that in saying I agree, which is what  
12 makes it imperative to engage in as much  
13 deterrence as we can, because deterrence is  
14 effective for that very reason.

15 MR. LOVE: Understood.

16 BY MR. LOVE:

17 Q. And they're, like you said, adept at  
18 finding vulnerabilities; right?

19 MS. LUHANA: Objection to form and  
20 mischaracterizes her testimony.

21 THE WITNESS: They can be adept  
22 at -- at finding and exploiting  
23 vulnerabilities, not only in victims, but in  
24 environments like in --

25 MR. LOVE: You mean -- apologies.

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1 THE WITNESS: Well, and that's,  
2 again, something that, when you provide an  
3 environment with those vulnerabilities, is a  
4 big responsibility to try to plug those holes.

5 BY MR. LOVE:

6 Q. Offenders are also good at creating  
7 vulnerabilities; right?

8 MS. LUHANA: Objection to form and  
9 the hypothetical.

10 THE WITNESS: When they have  
11 access to victims, the creation of  
12 vulnerability is more an ongoing interpersonal  
13 process, not necessarily relevant to my  
14 opinion in this case, but that would be, like,  
15 through an ongoing relationship or a process  
16 of interacting with a potential victim, like  
17 drugging them or getting them intoxicated.

18 BY MR. LOVE:

19 Q. And it's your opinion that offenders  
20 are also skilled at developing plausible  
21 deniability; right?

22 MS. LUHANA: Objection to the form  
23 and the hypothetical.

24 THE WITNESS: Again, that's what  
25 makes it really critical in -- in an

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1 environment like Uber to not rely on unskilled  
2 investigators or the offender's statement to  
3 confirm or disconfirm.

4 That's why investigations are a --  
5 need skilled investigators who are trained in  
6 this because they are very good at confusing  
7 the issue.

8 So somebody promoting an  
9 investigation or saying that they did  
10 investigate, yeah, it relies on the offender's  
11 ability to obscure the truth is not an  
12 efficient investigation.

13 MR. LOVE: Okay.

14 I'm going to move to strike that  
15 response as nonresponsive, and I'm going to  
16 ask that you answer the question that I'm  
17 asking.

18 MS. LUHANA: Counsel --

19 BY MR. LOVE:

20 Q. Do you believe --

21 MS. LUHANA: -- she did answer it,  
22 and -- and I don't think it's improper to move  
23 to strike from the record. {Sic}

24 MR. LOVE: Okay.

25 BY MR. LOVE:

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1 Q. You believe that offenders are  
2 skilled at developing plausible deniability;  
3 yes?

4 MS. LUHANA: Objection to form.  
5 Asked and answered.

6 THE WITNESS: It -- like I said,  
7 it's not just that I believe it; it is a skill  
8 that they have, especially in terms of victim  
9 blaming and camouflaging their behavior and  
10 confusing uneducated public or investigators  
11 about their true actions.

12 BY MR. LOVE:

13 Q. You have referred to offenders as  
14 expert puppet masters?

15 MS. LUHANA: Objection to form.

16 THE WITNESS: Probably.

17 BY MR. LOVE:

18 Q. And on the other hand, there's no way  
19 to control a sexual offender; right?

20 MS. LUHANA: Objection to form, to  
21 the hypothetical.

22 THE WITNESS: I disagree with  
23 that, because in terms of the use of the word  
24 "control" is one thing, but I run an  
25 outpatient sex offender program where we

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1 engage in very effective management and  
2 prevention of offenders in the community.

3 And so offenders can be deterred,  
4 they can be managed, and sexual offenses can  
5 be prevented; otherwise, I would not do this  
6 work.

7 MR. LOVE: Dr. Valliere, that was  
8 not my question. My question was control, and  
9 you said control is one thing.

10 I want to focus on control.

11 BY MR. LOVE:

12 Q. You cannot control a sexual offender;  
13 correct?

14 MS. LUHANA: Objection to form.  
15 Asked and answered.

16 THE WITNESS: I'm not quite sure  
17 what you mean by the word "control," because  
18 ultimately, offenders can be controlled by  
19 incarceration, to a certain degree.

20 So I'm -- I'm not sure what you  
21 mean by "control."

22 MR. LOVE: Okay.

23 THE WITNESS: I don't know if  
24 control -- when we're talking about human  
25 beings, without some heinous oppression,

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1 people cannot be controlled.

2 MR. LOVE: Ms. Delaney, can we  
3 pull up the page that we're referencing here?

4 MS. DELANEY: Yes.

5 MR. LOVE: Thank you.

6 (Whereupon, a document was marked,  
7 for identification purposes, as Exhibit 4.)

8 BY MR. LOVE:

9 Q. Dr. Valliere, this is a page from  
10 your book; correct?

11 MS. LUHANA: Counsel, can I just  
12 wait to -- I want to pull it up so she can see  
13 it. It's kind of small on the screen.

14 MR. LOVE: Can we zoom in, please,  
15 Ms. Delaney.

16 And, counsel, I don't believe that  
17 we have a PDF version of this, but we can work  
18 on getting that, if it's all right, if we can  
19 just move forward with this one page for now  
20 and then put that into the Exhibit Share on  
21 the break.

22 MS. LUHANA: So what are -- what  
23 are you showing the Doctor?

24 MR. LOVE: If you can see, Dr.  
25 Valliere, Bullet 3, can you read that?



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1 THE WITNESS: I can.

2 It's a page from my book, and this  
3 is -- you are taking out of context.

4 This is a page for people who hope  
5 to be in a relationship with an offender, and  
6 I would tell this to any person, that you  
7 can't control your partner. You cannot  
8 control a family member.

9 And this is different. I would  
10 never talk about management or containment or  
11 deterrence with a family member of an  
12 offender.

13 So on this page, I'm advising, I  
14 believe, if you -- if you want to love or be  
15 in a relationship with an offender, understand  
16 it's not your responsibility to control them.

17 MR. LOVE: Okay.

18 BY MR. LOVE:

19 Q. Dr. Valliere, I'm just going to read  
20 this section and tell me if I'm reading it  
21 correctly.

22 "You cannot control the offender.  
23 You can participate in supporting them in the  
24 right way. You can educate yourself. You can  
25 hold the offender accountable. But you cannot

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1 be the control agent. You can never truly  
2 supervise the offender. You can only hold the  
3 offender responsible for their choices."

4 Did I read that correctly?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: You did read that  
7 correctly, but that doesn't --

8 MR. LOVE: Okay.

9 THE WITNESS: -- apply to this  
10 opinion and the responsibility --

11 MR. LOVE: That wasn't -- Dr.  
12 Valliere, that was not my question. My  
13 question was did -- did you -- did I read it  
14 correctly?

15 MS. LUHANA: Let her finish her  
16 response, and I believe she wasn't -- hadn't  
17 completed her response.

18 Go ahead, Dr. Valliere.

19 THE WITNESS: It -- this needs to  
20 be taken into context of being a partner or  
21 child or friend of an offender, not somebody  
22 who has the capability of engaging in  
23 preventative or deterrent efforts with an  
24 offender.

25 I would never say this to a parole

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1 agent, for instance. I would never say this  
2 to one of my clinicians, and I would never  
3 certainly say it to somebody in charge of an  
4 organization that needs to be responsible for  
5 engaging in some actions to manage an  
6 offender.

7 MR. LOVE: Okay. I'm going to  
8 move to strike that as nonresponsive. It was  
9 not responsive to my question. If you would  
10 like to shed more light, your counsel is going  
11 to have time to ask her own questions, but  
12 right now, I would ask that you simply answer  
13 my questions and my questions alone.

14 Ms. Delaney, we can pull this  
15 down.

16 MS. LUHANA: Counsel, is this a  
17 good time for a break? We've been going for,  
18 I think, over an hour.

19 MR. LOVE: Sure. Can we go off  
20 the record, please.

21 THE VIDEOGRAPHER: Going off the  
22 video record. The time is 10:36 a.m.

23 (Whereupon, a recess was taken at  
24 the above time.)

25 THE VIDEOGRAPHER: We are back on

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1 the video record. The time is 10:43 a.m.

2 This begins Media Unit No. 2.

3 BY MR. LOVE:

4 Q. Welcome back, Dr. Valliere.

5 A. Thank you.

6 Q. Did you speak with your counsel on  
7 break?

8 A. In terms of?

9 Q. Just did you speak at all? And don't  
10 give me the content of your conversation or  
11 anything, but did you speak to her?

12 A. Yes.

13 Q. And did you talk about this --

14 A. We talked about going to the bathroom  
15 and things.

16 Q. Perfect.

17 A. Okay.

18 Q. Did you talk about the substance of  
19 your testimony at all?

20 A. No.

21 Q. Okay.

22 We were talking about your book a  
23 little bit, so I want to talk a little bit  
24 more about that.

25 And in your experience, offenders

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1 sometimes commit offenses because they believe  
2 a victim will not report them; right?

3 MS. LUHANA: Objection to form.  
4 Hypothetical.

5 THE WITNESS: In -- I need to, you  
6 know, cherry-picking pieces out of my book  
7 forgets about the context, right? And the  
8 context of most offenders is they're in  
9 relationships with their victims. And so some  
10 of the things you said like puppet master or  
11 the victims won't tell, offenders know very  
12 well that when -- when a victim is attached to  
13 them, or they know very well the barriers  
14 victims have to reporting, whether it's a  
15 stranger offense or in a relationship.

16 So they do pick victims that won't  
17 tell or won't report. And it's -- so it's,  
18 again, I reiterate that the offenders in my  
19 book are varied. The offenders that I talk  
20 about who generally offend in Uber rides  
21 are -- are different than, say, the child sex  
22 offender or -- or somebody who ingratiates  
23 themselves into a family to offend.

24 So I just want to provide a  
25 different context and talk about the offenders

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1 in Uber who are more instrumental, criminal  
2 and opportunistic than many of the ones that I  
3 describe in my book.

4 MR. LOVE: Okay. I'm going to  
5 move to strike that as nonresponsive.

6 I did not ask you about Uber. I  
7 am asking you a simple question about your  
8 book.

9 BY MR. LOVE:

10 Q. Your book discusses offenders in  
11 general; correct?

12 A. All different types of offenders,  
13 yes.

14 Q. Right.

15 And in your book, you say that  
16 offenders will offend when they think that the  
17 victim will not report them; correct?

18 MS. LUHANA: Objection to form.

19 THE WITNESS: I mean, Uber knows  
20 and we know very well that all sexual offenses  
21 are under-reported, and that includes  
22 offenders know that victims don't report.

23 MR. LOVE: That didn't answer my  
24 question.

25 BY MR. LOVE:

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1 Q. Offenders will offend because they  
2 know that victims will not report them; yes or  
3 no, Dr. Valliere?

4 MS. LUHANA: Objection to form.  
5 Asked and answered.

6 THE WITNESS: I believe I -- I  
7 said that sexual assault is vastly  
8 under-reported; something that Uber knows and  
9 we know, and offenders also know. So they do  
10 know that victims will not tell.

11 BY MR. LOVE:

12 Q. And because they know that, they will  
13 offend; yes?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: That's not the only  
16 factor that facilitates or deters offending is  
17 whether or not a victim will tell.

18 BY MR. LOVE:

19 Q. Understood that that's not the only  
20 factor, but it is a factor; correct?

21 MS. LUHANA: Objection to form.  
22 Asked and answered.

23 THE WITNESS: When they feel like  
24 they can get away with it, for whatever  
25 reason, it -- it helps them make the decision

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1 to offend.

2 MR. LOVE: Okay.

3 BY MR. LOVE:

4 Q. Now, you conducted a study of  
5 offenders and whether they believed their  
6 victim would tell or not; correct?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: It was a survey of  
9 the offenders in my program.

10 BY MR. LOVE:

11 Q. And 80 percent of them believed that  
12 their -- their victim would never tell anyone;  
13 right?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: Those -- all of  
16 those offenders were offenders in  
17 relationships with their victims, and they may  
18 have been children or they may have been  
19 partners.

20 And so there's a difference  
21 between their assessment of telling in the  
22 context of a relationship and what I analyzed  
23 in the Uber setting. So let's just be clear  
24 about that.

25 In that survey, I had no offenders



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1 who engaged in instrumental, opportunistic  
2 offending. All of them were in relationships  
3 of one form or another with their victim.

4 MR. LOVE: Okay.

5 BY MR. LOVE:

6 Q. And the result of that survey was  
7 that 80 percent of them said that they  
8 believed their victim would never tell;  
9 correct?

10 MS. LUHANA: Objection to form.  
11 Asked and answered.

12 THE WITNESS: Because the victims  
13 loved them or were afraid of them or other  
14 reasons in the interpersonal context.

15 BY MR. LOVE:

16 Q. So that's a yes; 80 percent of them  
17 said that the victim would never tell?

18 MS. LUHANA: Objection to form.  
19 Mischaracterizes testimony.

20 THE WITNESS: That's true.

21 I'm trying to give a context to  
22 something that you're taking a piece of.

23 MS. LUHANA: Doctor, you can  
24 answer the question, you know, as -- as you  
25 wish.

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1 BY MR. LOVE:

2 Q. And when a victim is intoxicated,  
3 those rates of disclosure go down; correct?

4 MS. LUHANA: Objection to form.

5 THE WITNESS: When victims are  
6 intoxicated, there are factors that create  
7 more barriers to reporting, including  
8 self-blame, fear of being blamed by others,  
9 shame and those kind of things, and not being  
10 taken seriously by those who they report to.

11 MR. LOVE: I'm sorry, did someone  
12 else speak?

13 MS. LUHANA: No.

14 MR. LOVE: Okay. I just wanted to  
15 be sure. I thought I heard something.

16 BY MR. LOVE:

17 Q. Okay.

18 And because of -- of those factors  
19 that you -- you talked about, you said factors  
20 create more barriers, including self-blame,  
21 fear of being blamed by others, shame.  
22 Because of those factors that result from  
23 being intoxicated, they're less likely to  
24 report; right?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: Yes. There are more  
2 barriers when alcohol is involved.

3 BY MR. LOVE:

4 Q. And so their disclosure rates when  
5 they're -- when a victim is intoxicated, the  
6 disclosure rate goes down; correct?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: I don't know if  
9 there's a comparison of rates. Sexual assault  
10 is under-reported in general, so I don't know  
11 if there's a way to know that -- we do know  
12 that victims who are intoxicated have more  
13 barriers to reporting, are less likely to want  
14 to report, and are less supported by the  
15 environment.

16 MR. LOVE: Okay.

17 Can we pull up page 53, please,  
18 Ms. Delaney.

19 MS. DELANEY: Yes, just a second.

20 MR. LOVE: And we'll mark this as  
21 Exhibit 5.

22 (Whereupon, a document was marked,  
23 for identification purposes, as Exhibit 5.)

24 BY MR. LOVE:

25 Q. Dr. Valliere, do you see, halfway

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1 through that paragraph in the middle of the  
2 page where it says, "Disclosure rates go down  
3 when a victim was intoxicated at the time of  
4 the offense as does the likelihood that the  
5 victim will be able to physically resist"?

6 MS. LUHANA: Counsel, we're not  
7 able to pull -- I guess the exhibit isn't  
8 showing, Exhibit 5 yet. Can we just wait 'til  
9 it's up?

10 MR. LOVE: Sure.

11 MS. DELANEY: It's going to take  
12 me a minute to screenshot and add this as an  
13 exhibit.

14 MS. LUHANA: Oh, okay.

15 MR. LOVE: I'll only be asking  
16 about this one sentence for now, if that's  
17 okay. We can wait for the exhibit or --

18 MS. LUHANA: Yeah, let's wait. I  
19 want her to have the opportunity to review  
20 what you're showing her, as opposed to just a  
21 snippet.

22 MR. LOVE: Okay. We can come back  
23 to that then. Ms. Delaney, just let me know  
24 whenever you're ready.

25 BY MR. LOVE:

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1 Q. The opportunist -- the opportunistic  
2 sexual offender is always ready to offend;  
3 right?

4 MS. LUHANA: Objection to form,  
5 and the hypothetical.

6 THE WITNESS: It -- "always" is --  
7 is maybe an overstatement. I'm sure I wrote  
8 that. But they -- they assess opportunity and  
9 are willing to exploit it, again, which is why  
10 deterrence is so important and efforts to  
11 protect people are -- are effective.

12 BY MR. LOVE:

13 Q. As a professional in this skill,  
14 Dr. Valliere, you are careful about the words  
15 you choose; right?

16 MS. LUHANA: Objection to form.

17 THE WITNESS: That's a pretty  
18 broad question.

19 BY MR. LOVE:

20 Q. Well, you know that words hold  
21 meaning; yes?

22 A. Words hold meaning? I -- I'm -- I'm  
23 not sure -- I'm not sure what you're asking.  
24 I think that's obvious.

25 Q. Okay.

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1                   And the difference between saying  
2   "most of the time" and "all of the time" is a  
3   pretty big difference; right?

4                   MS. LUHANA: Objection to form.

5                   THE WITNESS: Sure. But I don't  
6   want to give the impression that the word  
7   "always" in that statement means people are  
8   walking around every minute with an erection  
9   or a -- you know, they're ready to -- they  
10   have this insatiable, unmanageable lust.

11                  "Always," in that context, would  
12   indicate that offenders, in the right  
13   environment, without consequences or without  
14   fear of the consequences, who are not being  
15   supervised or managed or overseen, are quickly  
16   willing to take advantage of that opportunity.

17                  So they are assessing their  
18   environment.

19                  MR. LOVE: Okay. And we'll take a  
20   look at that page after this.

21                  Do you see Exhibit 5 in the chat?

22                  MS. LUHANA: Yes, now we do.  
23   We'll pull it up. Thank you.

24   BY MR. LOVE:

25                  Q.   And, Dr. Valliere --

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1 MS. LUHANA: Can we just look at  
2 the rest of the page and scroll?

3 MR. LOVE: Unfortunately, due to  
4 the form, it will not allow us to -- I mean, I  
5 can -- I can pull that up on the screen for  
6 you and show you and have Dr. Valliere scroll  
7 wherever she wants to scroll, of -- of course.

8 But unfortunately, through the  
9 Exhibit Share, I can't send the book because  
10 the book is not available.

11 MS. LUHANA: Okay. Understood.  
12 You're just showing from the book.  
13 Understood. Okay. I just want her to have  
14 the opportunity to read the -- the contents.

15 MR. LOVE: Sure.

16 So, Ms. Delaney, can we pull up  
17 that page one more time.

18 BY MR. LOVE:

19 Q. And -- and, Dr. Valliere, feel free  
20 to -- to tell us wherever you want to scroll,  
21 whatever you want to read, whatever you need  
22 to review to answer the question and -- and we  
23 can do that for you.

24 A. Thanks.

25 MS. LUHANA: Thank you, counsel.

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1 MR. LOVE: Just for context, what  
2 I'll be directing you to is in the second  
3 paragraph on the page about halfway through  
4 where it starts "Disclosure," but let me know  
5 whenever you're ready.

6 THE WITNESS: I am ready, thanks.

7 BY MR. LOVE::

8 Q. And it says there, "Disclosure rates  
9 go down when a victim was intoxicated at the  
10 time of the offense as does the likelihood  
11 that the victim will be able to physically  
12 resist"; right?

13 A. Correct. That's what that study  
14 found.

15 Q. Okay.

16 MR. LOVE: And can we go to  
17 page 50, Ms. Delaney.

18 MS. LUHANA: So is this another  
19 exhibit that's up?

20 MR. LOVE: It -- it will be, yes.

21 (Whereupon, a document was marked,  
22 for identification purposes, as Exhibit 6.)

23 MR. LOVE: Feel free,  
24 Dr. Valliere, to -- to let us know wherever  
25 you want to scroll. I'll be directing you to



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1 the third full paragraph on this page at  
2 the -- the very first sentence. And let me  
3 know whenever you're ready.

4 THE WITNESS: Do you want me to  
5 wait until it comes up?

6 MS. LUHANA: Can you see it? I  
7 just want to make sure you have an opportunity  
8 to read it.

9 THE WITNESS: I can see it here.

10 MS. LUHANA: We're just trying to  
11 pull it up, counsel.

12 MS. DELANEY: Do you want me to  
13 put this as an exhibit now?

14 MR. LOVE: Yes, please.

15 MS. DELANEY: Okay.

16 MR. LOVE: But, Dr. Valliere, if  
17 you can see it on the screen, can we just use  
18 the screen-share while that's -- while that's  
19 working?

20 MS. LUHANA: Can she have the  
21 ability, after you ask a question, so she can,  
22 like, look at the document and scroll, so she  
23 can see what the context is, as I said,  
24 counsel?

25 MR. LOVE: Right. And like I

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1 said, we will scroll wherever she wants to  
2 scroll; just let us know.

3 MS. DELANEY: I cannot  
4 screen-share and add this as an exhibit at the  
5 same time. So I can do -- I can add it as an  
6 exhibit now or after the questioning,  
7 whichever you'd prefer.

8 MS. LUHANA: Okay. Just going  
9 forward, maybe it makes sense for us to add  
10 the exhibit and then screen-share so that  
11 we're all on the same page.

12 MR. LOVE: Okay.

13 BY MR. LOVE:

14 Q. For now, Dr. Valliere, do you need  
15 any more context than what's on the page for  
16 me to ask about this first sentence in this  
17 third paragraph?

18 A. Just to be clear, taking one sentence  
19 out of a book, we do need a lot more context.  
20 Because I believe, in the page you were  
21 showing me, I was talking about opportunities  
22 are different per offender, per what they  
23 define as, you know, and are unique to their  
24 needs.

25 So again, while that sentence says

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1 the opportunist is always ready to offend,  
2 that opportunity is individually defined for  
3 what they identify in terms of the victim, the  
4 environment and the potential consequences.

5 Q. Okay. I just want to be clear.

6 It says, "the opportunist is  
7 always ready to offend"; right?

8 A. Yes, that's what it says.

9 Q. And "always ready to offend" is in  
10 italics; right?

11 A. That --

12 MS. LUHANA: Objection. Document  
13 speaks for itself.

14 THE WITNESS: Yes, it is in  
15 italics.

16 MR. LOVE: Okay. We can pull this  
17 down, Ms. Delaney. Thank you.

18 BY MR. LOVE:

19 Q. Dr. Valliere, what is hindsight bias?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: Hindsight bias is  
22 that bias we have when we retrospectively look  
23 at something and believe that our decisions  
24 either inevitably led to a consequence, which  
25 may or may not be true, or our failure to act

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1 inevitably led to a consequence.

2 So it's analyzing past behaviors  
3 or past situations based on the -- the known  
4 information in the future.

5 BY MR. LOVE:

6 Q. And your opinion is that people  
7 should not do that when looking at sexual  
8 offenses; correct?

9 MS. LUHANA: Objection to form and  
10 the hypothetical.

11 THE WITNESS: My opinion to that  
12 is that when it comes to victim-blaming, that  
13 hindsight bias can be incredibly destructive,  
14 and you can't go backwards and say the victim  
15 made a number of problematic choices that  
16 raised their own risk given the outcome  
17 because they did not have the outcome.

18 So in the context of my opinion in  
19 this case, blaming a victim for getting into  
20 an Uber drunk at night when -- when she feels  
21 that Uber has promoted itself as trustworthy  
22 and a good option to get home, is -- is a  
23 problematic hindsight because she felt like  
24 she made a good decision at that time.

25 MR. LOVE: Okay. And I'm not

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1 going to be asking about any examples in this  
2 case, so we can just stick to hindsight bias  
3 generally, and I want to -- I want to clarify  
4 your opinion on that.

5 BY MR. LOVE:

6 Q. So you said that --

7 MS. LUHANA: Counsel, I will just  
8 direct her to answer the question as she feels  
9 is best, she sees fit, so go ahead.

10 BY MR. LOVE:

11 Q. You said, "My opinion to that is that  
12 when it comes to victim blaming, hindsight  
13 bias can be incredibly destructive."

14 Is it your opinion that hindsight  
15 bias is acceptable to use in other places?

16 MS. LUHANA: Objection to form.  
17 Objection to the hypothetical.

18 THE WITNESS: Certainly.

19 For instance, in -- in my program  
20 in managing sex offenders, we -- we look  
21 backwards to see what we could have done  
22 better, what we could have done to deter an  
23 offender's behavior, what signs we could have  
24 seen or what things we could have instituted  
25 that would have prevented an offense.

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1           It's in terms of victim-blaming in  
2     the context of the victim not knowing that the  
3     result would be that that victim was going to  
4     be sexually assaulted and that the Rideshare  
5     environment is unsafe or, you know, I  
6     really -- to take statements that are broadly  
7     applicable and not apply them to my opinion in  
8     Uber is -- it's just inaccurate.

9           So if we stick to my opinion that  
10    I presented about Rideshare, it's wrong to go  
11    back and think that a victim or friends of a  
12    victim who thought putting their -- their  
13    drunk friend in an Uber was a good idea at the  
14    time, but then when she gets raped, realizes  
15    oh, that -- that wasn't a good idea because we  
16    didn't know Uber wasn't safe. That's  
17    problematic.

18           For Uber to look backwards and say  
19    we have our victims getting sexually assaulted  
20    in a Rideshare, what could we do better,  
21    that's appropriate. Like if this driver had a  
22    camera, maybe he wouldn't have raped. If --  
23    if we would have reached out when there was a  
24    long stop, those are the kind of responsible  
25    hindsight retrospective analyses we need to

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1 do.

2 But to go back and say the victim  
3 brought this on themselves because they were  
4 drunk and got in an Uber is just wrong.

5 MR. LOVE: Okay. I'm going to  
6 move to strike that as nonresponsive.

7 BY MR. LOVE:

8 Q. I'm asking about your general  
9 practice and general understanding of  
10 hindsight bias in your practice as it does not  
11 pertain to victim-blaming, as I stated in my  
12 question. And I just want to make sure I  
13 understand that part particularly.

14 So when you say that it's okay to  
15 look back at things that could have been  
16 identified, are you saying your opinion is  
17 that red flags that you view in hindsight as  
18 red flags could have indicated to someone that  
19 a sexual assault was going to happen?

20 MS. LUHANA: Objection to form,  
21 objection to the hypothetical, and  
22 mischaracterizes her testimony.

23 THE WITNESS: I think -- I'm not  
24 quite sure --

25 MR. LOVE: I can -- I can clarify,

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1 if -- if I can.

2 THE WITNESS: Okay.

3 BY MR. LOVE:

4 Q. Okay.

5 So if -- if you see a red flag  
6 that someone might sexually offend, after the  
7 fact, is it okay to say that that person  
8 should have caught that offense?

9 MS. LUHANA: Objection to form.  
10 Hypothetical.

11 THE WITNESS: It's -- I'm sorry, I  
12 really -- I think what I'm talking about is a  
13 retrospective analysis of signs, symptoms or  
14 actions that could have been taken as a  
15 responsible individual to intervene in,  
16 prevent or deter an offender's behavior.

17 So, for instance, if -- if, in my  
18 program, an offender offends, it's our  
19 responsibility to look back and say we did not  
20 call his probation officer when we heard he  
21 was drinking. We did not act when he didn't  
22 show up for his group therapy.

23 So we can look back. They were  
24 not necessarily red flags at the time, but we  
25 need to learn from that situation and be like



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1 next time, we need this.

2 MR. LOVE: Understood. So I  
3 think -- I think we can get on the same page.  
4 BY MR. LOVE:

5 Q. So you said that they weren't red  
6 flags at the time, and -- and that's what I'm  
7 trying to get at.

8 Is it okay to look back and say  
9 that, in that example, you did something wrong  
10 because there was a red flag?

11 MS. LUHANA: Objection to form.

12 THE WITNESS: This gets a little  
13 complicated because once -- for instance,  
14 in -- in Uber's case, once you learn something  
15 can be instituted or identified or seen as a  
16 red flag, like all other risk factors that  
17 Uber has already identified, and you continue  
18 to ignore those, that's a problem.

19 Just like if I have an offender  
20 and I continue to ignore problematic behaviors  
21 or things that I have identified already as  
22 indices of risk, and I fail to do anything  
23 about that, then that is wrong.

24 MR. LOVE: That's not exactly my  
25 question.

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1 BY MR. LOVE:

2 Q. So let's take your example.

3 One of your offenders has missed a  
4 group session and you don't do anything about  
5 that. And later, they offend and you see that  
6 as a retroactive red flag.

7 Can you say that you not calling  
8 the offender when they missed their group  
9 session was negligent?

10 MS. LUHANA: Objection to the  
11 form, the hypothetical, and legal reference to  
12 being negligent.

13 THE WITNESS: Not the first time,  
14 but if 1,000 or 10,000 or 100,000 of my  
15 offenders miss a group therapy session and I  
16 understand that that could be a problem and I  
17 don't do anything about it, then -- then I'm  
18 wrong.

19 And over the course of the years,  
20 I understand that through my learning, through  
21 my own clinical experience, if A happens, I  
22 need to intervene. I don't let A happen  
23 500,000 times.

24 MR. LOVE: Okay.

25 THE WITNESS: So that's the

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1 problem.

2 BY MR. LOVE:

3 Q. Sexual offenders know that their  
4 offenses are immoral; right?

5 MS. LUHANA: Objection to form and  
6 the hypothetical.

7 THE WITNESS: Immoral?

8 BY MR. LOVE:

9 Q. Sexual offenders know that -- that  
10 their actions, their offenses, are wrong;  
11 right?

12 MS. LUHANA: Objection to form.  
13 Hypothetical.

14 THE WITNESS: I -- I don't think I  
15 agree with that. Some do, some don't.

16 BY MR. LOVE:

17 Q. In your experience, you have never  
18 treated an adult offender in our society that  
19 does not understand their legal act -- their  
20 actions are illegal; correct?

21 MS. LUHANA: Objection to the  
22 form.

23 THE WITNESS: That's completely  
24 different than wrong or immoral.

25 MR. LOVE: Okay.

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1 BY MR. LOVE:

2 Q. And so I'm asking you now.

3 So yes or no; in your experience,  
4 you have never treated an adult offender in  
5 our society that does not understand their  
6 actions are illegal?

7 MS. LUHANA: Objection to form and  
8 hypothetical.

9 THE WITNESS: Ultimately, yes.

10 MR. LOVE: Okay.

11 BY MR. LOVE:

12 Q. And they know that they harm their  
13 victims; right?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: At some point during  
16 their treatment, they understand they harm  
17 their treat -- their victims.

18 BY MR. LOVE:

19 Q. Now, you've written quite a few books  
20 on this; right, and articles?

21 MS. LUHANA: Objection to form.

22 THE WITNESS: I've written on sex  
23 offenders?

24 MR. LOVE: Yes.

25 THE WITNESS: I've written one

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1 book and one article and one book chapter on  
2 alcohol and sex offenders.

3 BY MR. LOVE:

4 Q. You've written two books on  
5 successfully prosecuting sexual violence;  
6 correct?

7 A. I've written one book on successful  
8 prosecution of interpersonal violence.

9 Q. And you also wrote a book,  
10 Understanding Victims of Interpersonal  
11 Violence, a Guide for Investigators and  
12 Prosecutors?

13 A. Right.

14 Q. Okay.

15 And then you wrote an article  
16 called Understanding the Non-Stranger Rapist;  
17 right?

18 A. Correct.

19 Q. And that was for the National  
20 District Attorneys Association?

21 A. Yes.

22 Q. And the American Prosecutors Research  
23 Institute?

24 A. They're the same, I think, or a  
25 subset of -- one is a subset of the other.

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1 Q. And in that article, you give advice  
2 on how to conduct a prosecution of a sexual  
3 offender; right?

4 MS. LUHANA: Objection to form.

5 THE WITNESS: I -- I'm sorry, I  
6 can't remember. That was a -- a long time  
7 ago.

8 MR. LOVE: That's okay.

9 Can we pull up Tab 22, please, and  
10 we'll mark this as Exhibit 7.

11 (Whereupon, a document was marked,  
12 for identification purposes, as Exhibit 7.)

13 BY MR. LOVE:

14 Q. So, Dr. Valliere, once you have that  
15 pulled up, you recognize this as the article  
16 we were just talking about; right?

17 A. I do.

18 Q. Okay.

19 And if you could scroll to the  
20 last page where it says, "Recommendations and  
21 Conclusions," and just let me know when you're  
22 there.

23 MS. LUHANA: And, Doctor, if you  
24 want to read the article, you can as well.

25 THE WITNESS: Yeah, let me -- give

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1 me a second to read this.

2 MS. LUHANA: Take your time.

3 MR. LOVE: For -- for context, I  
4 will only be directing you to a couple of  
5 portions under Recommendations and  
6 Conclusions. I don't know if that helps your  
7 review at all. Let me know whenever you're  
8 ready.

9 (Whereupon, the witness reviews  
10 the exhibit.)

11 MS. LUHANA: You can scroll to the  
12 top, too, if you want.

13 (Whereupon, the witness reviews  
14 the exhibit.)

15 THE WITNESS: Okay.

16 MR. LOVE: Okay.

17 BY MR. LOVE:

18 Q. So that first sentence under  
19 Recommendations and Conclusions, it gives tips  
20 on how to conduct a direct examination of a  
21 witness; correct?

22 A. Yes.

23 Q. And it talks about the need to  
24 address weaknesses of the case?

25 MS. LUHANA: Objection to form.

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1 The document speaks for itself.

2 THE WITNESS: Right. Weaknesses  
3 are in quotes.

4 MR. LOVE: Okay.

5 BY MR. LOVE:

6 Q. And then in the next paragraph, you  
7 discuss how to do a cross-examination; right?

8 MS. LUHANA: Objection to form.

9 The article speaks for itself.

10 THE WITNESS: Right.

11 And this is the context of a  
12 person-to-person sexual assault, not relevant  
13 to my opinion with Uber.

14 MR. LOVE: Okay. That wasn't my  
15 question.

16 BY MR. LOVE:

17 Q. But you -- you do talk about how to  
18 prepare a victim for cross-examination;  
19 correct?

20 MS. LUHANA: Objection to the  
21 form.

22 THE WITNESS: Not fully, but I  
23 give a tip, right.

24 MR. LOVE: Okay.

25 BY MR. LOVE:



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1 Q. And then at the -- the very end, the  
2 last sentence that starts with "They use  
3 prosocial skills" --

4 A. Correct.

5 Q. -- can you read that?

6 A. "They use prosocial skills, social  
7 biases, and stereotypes that surround rape to  
8 make sex offenses covert."

9 Keep going?

10 Q. Yes, please.

11 A. "Prosecutors can successfully expose  
12 rapists by communicating all of these ideas to  
13 the jury and portraying a so-called 'nice'  
14 offender as the rapist that he is."

15 Q. When you look at a case against a  
16 sexual offender, or alleged sexual offender,  
17 excuse me, do you automatically assume that  
18 that person is guilty?

19 MS. LUHANA: Objection to form.  
20 Hypothetical.

21 THE WITNESS: I don't understand  
22 your question.

23 MR. LOVE: Sure.

24 BY MR. LOVE:

25 Q. When you approach a case where you're

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1 involved in a criminal prosecution, do you  
2 believe that it is the victim or the alleged  
3 offender who needs to bring forward evidence  
4 for that case?

5 A. That's never my role in any criminal  
6 case. I'm not the fact-finder or the  
7 investigator.

8 Q. Have you said that the burden --  
9 apologies. Withdrawn.

10 Society places a burden on  
11 survivors of sexual assault to come forward  
12 with evidence of that assault; right?

13 MS. LUHANA: Objection to form and  
14 the hypothetical.

15 THE WITNESS: In general, the  
16 victim has the burden, and that's why we have  
17 to do everything we can do to help victims.

18 BY MR. LOVE:

19 Q. And your opinion is that we should  
20 lift that burden off of the victim and place  
21 it where it belongs on to the offender;  
22 correct?

23 MS. LUHANA: Objection to form.  
24 Hypothetical.

25 THE WITNESS: In terms of stigma,

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1 credibility, working as a community to help  
2 the victim overcome barriers of reporting, do  
3 what we can do to prevent and deter and  
4 provide safe environments.

5 MR. LOVE: Okay.

6 BY MR. LOVE:

7 Q. Now, you wrote a book called  
8 Unmasking the Sexual Offender. When did you  
9 publish that?

10 A. I believe it's 2023.

11 Q. Was that before or after you started  
12 working on Rideshare cases?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: Oh, it was before.  
15 I wrote it before. It was just published -- I  
16 think I submitted it for publication sometime  
17 in 2022.

18 BY MR. LOVE:

19 Q. And when did you first start working  
20 with attorneys on the Lyft case?

21 A. 2023.

22 Q. Now, you -- one of your opinions is  
23 that Uber should fingerprint their drivers;  
24 correct?

25 A. I think it would be helpful, yes.

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1 Q. Are you aware that Uber requires each  
2 driver to provide a driver's license?

3 A. I would hope so.

4 Q. And are you aware that they require a  
5 Social Security card?

6 A. Yes.

7 Q. And are you aware that they require  
8 another form of ID, such as a passport?

9 A. Probably.

10 Q. You would agree with me that it's  
11 pretty easy to identify someone with a  
12 license, a passport and a Social Security  
13 card; right?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: I don't know if I  
16 would agree or disagree with that because  
17 Uber's had problems with that, so I -- I don't  
18 know if I would agree or disagree with that,  
19 not without an in-person -- I mean, we  
20 could -- you asked me about my screening  
21 process. We collect ID and Social Security  
22 cards as well, but we also have face-to-face  
23 interviews, so...

24 BY MR. LOVE:

25 Q. With an ID and a Social Security

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1 card, is it pretty easy for you to identify  
2 someone?

3 MS. LUHANA: Objection to form.

4 THE WITNESS: Not without meeting  
5 them. I have no idea. If I were to get that  
6 and never saw that person face-to-face, that  
7 could be anybody's. I don't know.

8 BY MR. LOVE:

9 Q. But you can look at the ID and see  
10 the picture and the name; right?

11 MS. LUHANA: Objection to form.

12 THE WITNESS: But if I'm never  
13 meeting that person face-to-face, how would I  
14 compare that ID to that individual?

15 I don't --

16 MR. LOVE: Dr. Valliere --

17 THE WITNESS: I'm a little  
18 confused.

19 BY MR. LOVE:

20 Q. Dr. Valliere, my question is just,  
21 when you look at an ID, you can see the  
22 picture and you can see the name; yes?

23 A. IDs have pictures and names on them,  
24 yes.

25 Q. Okay.

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1                   And then you can compare that to  
2     the passport, which also has a picture and a  
3     name; correct?

4                   MS. LUHANA: Objection to form.

5                   THE WITNESS: Yes, but I thought  
6     you were talking about identifying a person  
7     with those two forms of ID.

8                   MR. LOVE: I'm just asking -- the  
9     only question that I'm asking you to answer is  
10    the one posed right now.

11   BY MR. LOVE:

12         Q.     So now that we've established that  
13     you can compare the passport to the ID, then  
14     you can also compare the name on both of those  
15     documents to the name on the Social Security  
16     card; right?

17                  MS. LUHANA: Objection to form.

18                  THE WITNESS: That they -- all  
19     three may have the same name on them? Is that  
20     what you're asking me?

21                  MR. LOVE: Correct.

22   BY MR. LOVE:

23         Q.     You can compare them; yes?

24         A.     Sure.

25         Q.     Okay.

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1                   And then you can look at the  
2     pictures and see whatever picture --  
3     withdrawn.

4                   You know that when drivers apply,  
5     they have to send a picture of themselves;  
6     right?

7           A.     They have to send a picture.

8           Q.     Yes.

9                   And then you're also aware that  
10    there's Real-Time ID Check; right?

11          A.     Right.

12          Q.     And so every time they start driving  
13    the car, Uber requires them to take a picture  
14    of themselves?

15                   MS. LUHANA:   Objection to form.

16                   THE WITNESS:   That -- the driver  
17    has to take a picture of themselves, like a  
18    selfie for Uber; is that what you're asking?

19                   MR. LOVE:    Correct.

20    BY MR. LOVE:

21          Q.     You're aware that that has to happen;  
22    right?

23          A.     Right.

24          Q.     Okay.

25                   And so you can compare the -- the

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1 image from the ID that you've compared to the  
2 passport and the Social Security numbers'  
3 names to the image that you get from the  
4 Real-Time ID Check; correct?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: I'm -- I'm sorry,  
7 I'm getting lost in all these steps.

8 So you're saying the selfie can be  
9 compared to the passport and the license?

10 BY MR. LOVE:

11 Q. Well, if you look at a picture on a  
12 license and you look at a picture that is sent  
13 in a Real-Time ID Check, you can compare the  
14 two; right?

15 A. Sure.

16 MS. LUHANA: Objection.

17 MR. LOVE: Okay.

18 BY MR. LOVE:

19 Q. You also know that Uber does  
20 background checks; correct?

21 MS. LUHANA: Objection to form.

22 THE WITNESS: I do know that they  
23 use the agency named Checker.

24 BY MR. LOVE:

25 Q. And that checks for all known sexual



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1 misconduct and assaults; correct?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: I don't agree with  
4 that. It checks a national registry which  
5 compiles arrests for sex offenses, but the  
6 accuracy or -- or comprehensiveness of that is  
7 not -- is not completely known.

8 MR. LOVE: Well, I didn't ask  
9 about accuracy.

10 BY MR. LOVE:

11 Q. I'm just saying, they do check for  
12 all known sexual misconduct. I'm not saying  
13 whether or not they find all known sexual  
14 misconduct, but the background check does  
15 check for all known sexual assault or  
16 misconduct; correct?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: I don't agree with  
19 that because it doesn't check for arrests,  
20 complaints, civil actions, licensure, reports,  
21 custody issues.

22 It checks -- as far as I know, it  
23 checks for convictions only.

24 BY MR. LOVE:

25 Q. Dr. Valliere, just a few moments ago,

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1 you testified, "It checks a national registry  
2 which compiles arrests for sex offenses."

3 Are you now saying that it does  
4 not check for arrests?

5 A. Yes, I am saying arrests because a  
6 registry doesn't check for arrests. That was  
7 a misstatement.

8 A registry checks for registered  
9 sex offenders, and that's not necessarily even  
10 all sex offenders. It depends on what state  
11 laws are or who's on their registry.

12 Q. Okay.

13 And in your opinion, is it --  
14 withdrawn.

15 If someone was arrested for a  
16 sexual offense, but then acquitted, is it  
17 right to attribute that sexual offense to that  
18 person?

19 MS. LUHANA: Objection to form.

20 THE WITNESS: I think it's  
21 important to know.

22 MR. LOVE: That wasn't my  
23 question.

24 BY MR. LOVE:

25 Q. Is it acceptable to attribute that

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1 sexual offense to that person?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: I think it's  
4 important to know because arrests for sexual  
5 offense and -- and it depends on why that case  
6 did not go forward. It's extremely important  
7 information.

8 MR. LOVE: I understand that your  
9 opinion is that you should know it.

10 BY MR. LOVE:

11 Q. My question, is it -- is, is it okay  
12 to attribute that sexual offense to that  
13 person; yes or no?

14 MS. LUHANA: Objection to form.  
15 Asked and answered.

16 THE WITNESS: I -- you can only  
17 say that that person was not convicted of a  
18 sex offense, not whether they did it or not.

19 MR. LOVE: Right.

20 BY MR. LOVE:

21 Q. And in our society, until you are  
22 proven to be guilty beyond a reasonable doubt,  
23 you shouldn't be attributed with a sex  
24 offense; correct?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: That's not -- that's  
2 not true, because in the -- in the child  
3 protection, if you're indicated or founded for  
4 a sexual offense, you're held responsible for  
5 being guilty for that sexual offense, just not  
6 criminally culpable.

7 BY MR. LOVE:

8 Q. So your opinion is that if someone is  
9 arrested for a sexual offense, that record  
10 should follow that person?

11 MS. LUHANA: Objection. Misstates  
12 her testimony.

13 THE WITNESS: My opinion is if you  
14 are in charge of an environment that lends  
15 itself readily and specifically to sexual  
16 assault, that your responsibility to know if  
17 somebody is arrested for a sex offense is  
18 important in your decision-making as to  
19 whether or not you want to take that risk or  
20 not.

21 MR. LOVE: Not my question.

22 BY MR. LOVE:

23 Q. If someone is arrested for a sexual  
24 offense, should that record follow them; yes  
25 or no?

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1 MS. LUHANA: Objection to form.  
2 Asked and answered.

3 THE WITNESS: Like I said, if I'm  
4 in charge of Uber, I would want to know that  
5 somebody was arrested for a sexual offense  
6 and --

7 MR. LOVE: Dr. Valliere, I didn't  
8 ask about Uber.

9 MS. LUHANA: Counsel, let her  
10 finish. Let her finish -- let --

11 MR. LOVE: She is not answering  
12 the question.

13 MS. LUHANA: She is answering the  
14 question. She is doing her best to answer the  
15 question and you continue to interrupt her.

16 Please allow her to give her  
17 response before you ask another question.

18 THE WITNESS: As a person who  
19 works with sex offenders and understands sex  
20 offenders, I do believe that knowing somebody  
21 is arrested for a sexual offense is very  
22 important information.

23 That's the best I can answer you.

24 BY MR. LOVE:

25 Q. If someone was arrested for a sexual

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1 offense and you knew it and they applied to  
2 work with you, would you reject that  
3 application?

4 A. I would.

5 Q. If someone was arrested for a sexual  
6 offense and later acquitted of that offense,  
7 and they applied to work with you, would you  
8 reject that application?

9 MS. LUHANA: Objection to form.  
10 Objection, hypothetical.

11 THE WITNESS: That's a complicated  
12 question. There's many, many reasons why  
13 people get acquitted that have nothing to do  
14 with whether or not they committed a sex  
15 offense. So I would have to know much -- much  
16 more information.

17 BY MR. LOVE:

18 Q. If you knew that someone that applied  
19 to work with you was accused of sexual  
20 assault, would you reject that application?

21 MS. LUHANA: Objection to the  
22 question and the hypothetical.

23 THE WITNESS: Again, that's a very  
24 complicated -- fabricated reports of sexual  
25 assault are very small, and I would take that

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1 into account. And I would have to know many  
2 more details before I would be able to answer  
3 that question.

4 BY MR. LOVE:

5 Q. So is it your opinion that if someone  
6 was accused of sexual assault, Uber should  
7 have rejected an application --

8 MS. LUHANA: Objection.

9 BY MR. LOVE:

10 Q. -- by them as a driver?

11 MS. LUHANA: Objection to form.  
12 Objection, hypothetical.

13 THE WITNESS: It's my opinion that  
14 if you are making money off of hiring people  
15 to be in a situation with highly --  
16 potentially highly vulnerable victims and you  
17 know that one of the risk factors for your  
18 drivers is allegations of prior misconduct,  
19 then it's very important to know specific  
20 details about that situation.

21 And if you're not getting specific  
22 details about that situation and you're not  
23 interviewing people and you're not digging  
24 into that allegation, and you want a cut and  
25 dry thing, it's probably your best idea to not

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1 hire that person.

2 BY MR. LOVE:

3 Q. You agree with me that it's common  
4 knowledge that women are at risk of sexual  
5 assault in their daily lives?

6 MS. LUHANA: Objection to form.  
7 Hypothetical.

8 THE WITNESS: You know, that's --  
9 that's a terrible question for me because it's  
10 just ingenuous. It's a broad, sweeping  
11 statement. It's designed to bring attention  
12 to the fact that women are at risk without any  
13 context.

14 I am not at risk of being sexually  
15 assaulted day-to-day if I'm living alone in my  
16 house and I have a good security system. So  
17 to make a broad sweeping statement like that  
18 just ignores all the other risk issues and --  
19 and environmental and psychological factors  
20 that go into that statement.

21 MR. LOVE: Ms. Delaney, can we  
22 pull up page 11.

23 MS. DELANEY: Yes. Would you like  
24 me to make that an exhibit first before I  
25 screen-share?



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1 MR. LOVE: Yes, please.

2 MS. DELANEY: Okay. Just a  
3 moment.

4 MR. LOVE: And this will be marked  
5 as Exhibit 8.

6 (Whereupon, a document was marked,  
7 for identification purposes, as Exhibit 8.)

8 BY MR. LOVE:

9 Q. Dr. Valliere, you believe our country  
10 has a culture of what you would call a rape  
11 culture; correct?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: I believe I discuss  
14 rape culture in my book as a contributor. I  
15 don't believe the whole country at all times  
16 has rape culture. There is rape culture in  
17 our country.

18 MR. LOVE: Okay.

19 MS. LUHANA: Counsel, the document  
20 hasn't come up yet.

21 MR. LOVE: I'm not -- I didn't ask  
22 about it yet.

23 MS. LUHANA: Okay. So we can --

24 MS. DELANEY: I just -- it's  
25 uploaded.

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1 MS. LUHANA: I see it now.

2 And I have the same request so she  
3 can see the context, if you can allow her.

4 MR. LOVE: Yep. We will  
5 screen-share it and you can let us know  
6 wherever you'd like to scroll, Dr. Valliere.

7 THE WITNESS: Sure.

8 MS. LUHANA: If you want to time  
9 to review it, please do so.

10 MR. LOVE: For context, I'll be  
11 asking about the third to last sentence in  
12 that paragraph under Rape Culture.

13 THE WITNESS: Okay.

14 BY MR. LOVE:

15 Q. That sentence says, "When rape  
16 culture exists, women live in fear of rape";  
17 right?

18 A. Absolutely, but to weaponize that to  
19 excuse -- to just say women just need to walk  
20 around worried about being sexually assaulted  
21 is inappropriate.

22 Q. No one -- no one is -- is using that  
23 as a weapon. I'm just asking if you believe  
24 that women do live in fear of rape?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: I think women in --  
2 in particular context take their fear of rape  
3 in -- in their decision-making, yes.

4 MR. LOVE: We can pull that down.

5 BY MR. LOVE:

6 Q. You'd also agree with me that it's  
7 common knowledge, drinking alcohol comes with  
8 risks; right?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: And again, I -- I  
11 disagree that Uber does not weaponize these  
12 kind of statements because they apply them  
13 with broad strokes, shifting the burden of  
14 risk-taking on to the victim, while promoting  
15 Ride -- their Rideshare as safe and as a  
16 viable option when alcohol is involved.

17 So while alcohol does involve  
18 risks, especially in certain contexts, Uber  
19 has specifically said lower your risk by  
20 taking an Uber.

21 MR. LOVE: That wasn't an answer  
22 to my question, though, Dr. Valliere.

23 BY MR. LOVE:

24 Q. My question is, you would agree that  
25 it's common knowledge that drinking alcohol

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1 comes with risks?

2 MS. LUHANA: Objection to form.

3 Asked and answered.

4 THE WITNESS: I believe it's  
5 knowledge that drinking alcohol in certain  
6 environments come with risks. I don't think  
7 generally people think that drinking alcohol  
8 comes with risks if they're in a safe  
9 environment.

10 BY MR. LOVE:

11 Q. You would agree with me that a woman  
12 who goes out at night and drinks at a bar is  
13 more on her guard than a woman who is at home,  
14 like you said, under security surveillance;  
15 right?

16 MS. LUHANA: Objection to form and  
17 objection to the hypothetical.

18 THE WITNESS: That's -- that's  
19 totally individualistic. I could be out  
20 having drinks with my husband and not feel at  
21 risk at all.

22 So it's too generic of a statement  
23 to say women who go out and drink alcohol  
24 feel unsafe.

25 MR. LOVE: That's not -- that's

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1 not exactly what I asked.

2 BY MR. LOVE:

3 Q. I asked would a woman who goes out  
4 and drinks at a bar be more on her guard than  
5 one who was under security surveillance?

6 So is the answer to that question  
7 you can't answer that?

8 MS. LUHANA: Objection to form and  
9 the hypothetical.

10 THE WITNESS: And I don't believe  
11 you asked anything about security  
12 surveillance.

13 MR. LOVE: I can reread my  
14 question.

15 BY MR. LOVE:

16 Q. "You would agree with me that a woman  
17 who goes out at night and drinks at a bar is  
18 more on her guard than a woman who is at home,  
19 like you said, under security surveillance;  
20 right?"

21 MS. LUHANA: Objection to form and  
22 the hypothetical. Asked and answered.

23 THE WITNESS: That's too  
24 individualistic.

25 MR. LOVE: Okay.

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1 THE WITNESS: It -- it depends.

2 BY MR. LOVE:

3 Q. Now, we've talked about this before,  
4 but I just -- I want to make sure that we have  
5 a clear answer.

6 Do you believe that there is no  
7 environment that is 100 percent free of the  
8 risk of sexual assault?

9 MS. LUHANA: Objection to form.  
10 Objection to the hypothetical.

11 THE WITNESS: In the extreme  
12 situation, I do not believe that if an  
13 offender is determined to offend, that they  
14 will offend.

15 But it is not true that every  
16 environment is at risk or can be a high risk.  
17 It's never a zero risk, but it's -- there are  
18 environments that are much higher risk and  
19 there's many things we can do that will deter  
20 offenders.

21 BY MR. LOVE:

22 Q. Just to make sure I understand, I  
23 understand that there are higher risks and  
24 lower risks, but you said there is never zero  
25 risk.

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1                   So there is no place that has zero  
2     risk of sexual assault; is that correct?

3           A.     Well --

4                   MS. LUHANA:   Objection to form,  
5     asked and answered and hypothetical.

6                   THE WITNESS:   Well, let me amend  
7     that.   There is a zero risk if there's not a  
8     perpetrator.

9                   MR. LOVE:   Fair enough.

10    BY MR. LOVE:

11           Q.     Other than if there is not a  
12    perpetrator, there is no place where there is  
13    no risk; right?

14                   MS. LUHANA:   Objection to form.  
15    Hypothetical.

16                   THE WITNESS:   Right.   You  
17    cannot -- if there is a perpetrator present,  
18    there may be some risk.

19                   MR. LOVE:   Okay.

20    BY MR. LOVE:

21           Q.     One reason that you talk about, in  
22    your report, that Uber is ripe for a sexual  
23    assault is that a driver sees where the  
24    passenger is being picked up and dropped off,  
25    which increases the fear of the driver

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1 returning; is that correct?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: When -- when a  
4 victim feels exposed like that, it may be an  
5 issue for that victim.

6 BY MR. LOVE:

7 Q. And if a passenger takes a Lyft, the  
8 driver would see where they were picked up or  
9 dropped off; right?

10 MS. LUHANA: Objection to form.  
11 Hypothetical.

12 THE WITNESS: I would assume so.  
13 That's a characteristic of Rideshare.

14 BY MR. LOVE:

15 Q. And if someone took a taxi, they  
16 would see where the passenger was picked up  
17 and dropped off; right?

18 MS. LUHANA: Objection to form.

19 THE WITNESS: They would see where  
20 they're picked up and dropped off, but not  
21 necessarily have the same information.

22 BY MR. LOVE:

23 Q. What do you mean by that, by "same  
24 information"?

25 A. When I'm -- when I'm in a taxi and I



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1 tell them where to take me, they don't  
2 necessarily know I'm going home or not home.  
3 I don't have a profile, I don't have a rating.  
4 There's other information that is shared on  
5 Rideshare.

6 Q. Uber does not share a home address  
7 with drivers for -- for their -- withdrawn.

8 Uber does not share their  
9 passengers' home addresses with drivers;  
10 correct?

11 MS. LUHANA: Objection to form.

12 THE WITNESS: They share the  
13 address.

14 BY MR. LOVE:

15 Q. You -- okay. You said, "When I'm in  
16 a taxi and I tell them where to take me, they  
17 don't know -- they don't necessarily know I'm  
18 going home or not home."

19 Neither does an Uber driver. The  
20 same is true for an Uber driver; correct?

21 A. I'm not exactly sure what an Uber  
22 driver has, but the victim will know if it's  
23 their home address or not, and it's -- it's  
24 conveyed digitally versus me giving verbally  
25 an address.

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1 Q. Okay. And -- and we'll get to that  
2 part, but I just want to be very clear here.

3 Uber does not give a driver an  
4 address and say this is the passenger's home  
5 address; correct?

6 MS. LUHANA: Objection to form.

7 THE WITNESS: I don't know what --  
8 if it -- Uber labels it or not.

9 BY MR. LOVE:

10 Q. That's not something that you thought  
11 would be important to your analysis here?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: It's really the  
14 impact on the victim. If the victim feels  
15 like the Uber knows where their home is and  
16 that that person can return, that's pretty  
17 impactful in victim decision-making.

18 MR. LOVE: Sure.

19 BY MR. LOVE:

20 Q. So if a victim believes that a taxi  
21 knows where they live and can return, that's  
22 impactful in decision-making; correct?

23 MS. LUHANA: Objection to form.

24 THE WITNESS: First of all, this  
25 is -- my report has nothing to do with taxis

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1 or comparison or saying one's safer than the  
2 other. So I'm worried about what a victim  
3 perceives for Uber drivers happening.

4 MR. LOVE: That's fine.

5 BY MR. LOVE:

6 Q. But my question -- oh, sorry, I  
7 didn't mean to interrupt you.

8 A. It -- it -- the -- it's just whether  
9 or not a taxi driver knows you're home or not  
10 isn't relevant to my opinion of Uber.

11 Q. Okay.

12 But my question is still, if a  
13 passenger perceives that a taxi knows where  
14 they live, that's impactful on their decision  
15 to get into a taxi or not; correct?

16 MS. LUHANA: Object to the form  
17 and hypothetical.

18 THE WITNESS: I can only answer  
19 that from my personal experiences and  
20 conversation is, I have never heard anyone say  
21 that they're not dropped off at home when they  
22 take a taxi.

23 I have heard that numerous times,  
24 including from male passengers, that they're  
25 worried about their Rideshare driver knowing

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1 where they lived.

2 MR. LOVE: That didn't answer my  
3 question, Dr. Valliere.

4 THE WITNESS: It did as best as I  
5 could answer in that it -- I don't -- I have  
6 never heard of or experienced, myself, issues  
7 in my decision-making and worrying about a  
8 taxi driver know about being home.

9 MR. LOVE: Right. And that is not  
10 my question.

11 BY MR. LOVE:

12 Q. My question is, if a victim believes  
13 that a taxi knows where they live and can  
14 return, that is impactful on decision-making?

15 MS. LUHANA: Coun -- counsel --

16 BY MR. LOVE:

17 Q. Yes or no?

18 MS. LUHANA: Objection to form  
19 and -- and hypothetical.

20 She's asked and answered this the  
21 best she could and she's said as much, and  
22 you've --

23 MR. LOVE: She --

24 MS. LUHANA: -- and you've asked  
25 this like five times.

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1 MR. LOVE: She has not answered  
2 the question.

3 MS. LUHANA: She has answered the  
4 question.

5 MR. LOVE: Okay. Well, we can  
6 agree to disagree, but unless you're  
7 instructing her not to answer, I'm going to  
8 ask the question and seek an actual answer to  
9 my question.

10 MS. LUHANA: She gave an answer.  
11 Just 'cause you don't like the answer doesn't  
12 mean she didn't give an answer.

13 MR. LOVE: Okay.

14 BY MR. LOVE:

15 Q. Dr. Valliere, you said if an Uber --  
16 if a victim perceives that an Uber knows a  
17 victim's home address, that that's impactful  
18 on their decision-making.

19 The same is true for taxi drivers;  
20 correct?

21 MS. LUHANA: Objection to form and  
22 the comparison.

23 THE WITNESS: I did not look at  
24 victim decision-making in a taxi. I  
25 understand victims making and Uber's own

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1 employee saying they won't -- their  
2 understanding that victims are worried about  
3 Uber drivers knowing their home and their --  
4 Uber's own employees saying I don't get  
5 dropped off at home.

6 I did not look at any  
7 documentation or statements of victims riding  
8 in taxis.

9 BY MR. LOVE:

10 Q. Based on your psychological  
11 expertise, is a passenger's perception that a  
12 driver knows where they live impactful on  
13 their decision whether or not to get in the  
14 car?

15 MS. LUHANA: Objection to form.  
16 Objection to the hypothetical.

17 THE WITNESS: Based on my  
18 psychological expertise, it's the condition  
19 and the type of driver that affects the  
20 victim's awareness.

21 An Uber driver psychologically is  
22 different than an employee for a limo or a  
23 taxi service. And in my psychological  
24 expertise, when you have a driver that is  
25 unmonitored, that you're uncomfortable with,

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1 that you feel is creepy or asks you personal  
2 questions, you're going to care if that driver  
3 knows where you live.

4 BY MR. LOVE:

5 Q. When a passenger orders an Uber, they  
6 know that the Uber is going to know where they  
7 drop them off; right?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: That Uber as a  
10 corporation is going to know?

11 BY MR. LOVE:

12 Q. They know that -- when someone orders  
13 an Uber, they know that their driver is going  
14 to see where they get dropped off; right?

15 A. Correct. Which is why many people  
16 don't get dropped off directly at their house.

17 Q. You would agree with me that Uber  
18 cannot know about an offense that is not  
19 reported; right?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: Hmm, that's a tricky  
22 question. I think that Uber can, with all the  
23 documents I looked at, Uber can know that  
24 there are indices of potential, very  
25 problematic behaviors that occur in their

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1 monitoring, and they can do -- they can look  
2 into that.

3 But the specifics of that  
4 incident, unless they are able to attain it,  
5 they will not know.

6 MR. LOVE: Okay.

7 BY MR. LOVE:

8 Q. And if they don't know about an  
9 offense, they -- they cannot take consequences  
10 or enact consequences for that offense;  
11 correct?

12 MS. LUHANA: Objection to the form  
13 and the hypothetical.

14 THE WITNESS: You mean after  
15 something has happened? Uber knows a lot  
16 about the risk issues for offenses and the  
17 issues of deterrence. It -- if they never  
18 find out about something, you're right, they  
19 can't take consequences. They can do  
20 everything they can do to find out about it,  
21 though.

22 BY MR. LOVE:

23 Q. Now, if an Uber driver had a clear  
24 background check, all good ratings, no  
25 complaints, and he sexually assaulted a



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1 passenger, Uber could not have reasonably  
2 foreseen that; correct?

3 MS. LUHANA: Objection to form.  
4 Calls for a legal conclusion and the  
5 hypothetical.

6 THE WITNESS: Are -- that's a  
7 little bit complicated. If they -- if those  
8 are the only things that Uber knows, then  
9 perhaps not.

10 But if this driver had numerous  
11 RideCheck triggers, had other interpersonal  
12 complaints, had one-star ratings, had long  
13 stops, lingering, those kind of things, they  
14 could be suspicious.

15 And if they had supervision in  
16 place, like cameras, they could be assured of  
17 knowing what happened.

18 BY MR. LOVE:

19 Q. So I want to talk about one-star  
20 ratings first, because you mentioned that.

21 So is it your opinion that if  
22 someone gets a one-star rating, Uber should  
23 deactivate that driver?

24 MS. LUHANA: Objection to form and  
25 objection to the hypothetical.

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1 THE WITNESS: Is it my opinion?

2 No.

3 It's what -- what is true is that  
4 one-star ratings are risk predictors that Uber  
5 is aware of. And what -- I don't have an  
6 opinion, if somebody gets a one-star rating,  
7 they should immediately be deactivated, unless  
8 that one-star rating comes from egregious  
9 behavior towards a rider.

10 MR. LOVE: Okay.

11 BY MR. LOVE:

12 Q. So how many one-star ratings would it  
13 take for you to say that Uber should  
14 deactivate a driver?

15 MS. LUHANA: Objection to the  
16 form. Objection to the hypothetical.

17 THE WITNESS: Uber should go with  
18 its own evidence that a one-star rating is a  
19 risk factor. I don't have to have an opinion  
20 on whether or not that person should be  
21 deactivated. Uber should be attending to that  
22 as their own identified risk factor.

23 BY MR. LOVE:

24 Q. So you'd agree with me that one-star  
25 ratings are not exclusive or unique to sexual

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1 offenders; right?

2 MS. LUHANA: Objection to form.  
3 Objection to the hypothetical.

4 THE WITNESS: I'm sorry, that --  
5 that --

6 MR. LOVE: Sure. Let me rephrase.  
7 BY MR. LOVE:

8 Q. Drivers that are not sexual offenders  
9 also get one-star ratings; right?

10 MS. LUHANA: Objection to form.  
11 Hypothetical.

12 THE WITNESS: I would assume so,  
13 yes.

14 MR. LOVE: Right.  
15 BY MR. LOVE:

16 Q. So -- withdrawn. Okay.  
17 Your opinion is that having safety  
18 features enhances the perception of safety; is  
19 that correct?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: My opinion is  
22 that -- I'm sorry?

23 MR. LOVE: What was the objection,  
24 counsel?

25 MS. LUHANA: What safety features

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1 are you talking about, counsel?

2 MR. LOVE: Any safety features  
3 generally.

4 BY MR. LOVE:

5 Q. In your opinion --

6 MS. LUHANA: You should define  
7 safety features if you are asking for a  
8 question -- a question like that. What safety  
9 features?

10 MR. LOVE: It's -- it's in her  
11 report, so I'm just asking about her own  
12 opinion.

13 MS. LUHANA: Why don't you -- why  
14 don't you pull up the report and provide  
15 context as to the safety features you're  
16 discussing, counsel?

17 MR. LOVE: Because I don't need to  
18 do that. I'm asking her opinion as an expert.

19 MS. LUHANA: You asked me for my  
20 objection. I'm explaining my objection to  
21 you.

22 MR. LOVE: Okay, okay. Thank you.  
23 It's on record.

24 BY MR. LOVE:

25 Q. Dr. Valliere, in your opinion, having

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1 safety features enhances the perception of  
2 safety; correct?

3 MS. LUHANA: Objection to form.

4 THE WITNESS: What I'm talking  
5 about there is unless a particular safety  
6 feature is directly linked to reducing sexual  
7 assault, it can falsely assure or assuage  
8 people that there's some level of  
9 effectiveness or increase in safety, which has  
10 not been proven.

11 MR. LOVE: Okay.

12 BY MR. LOVE:

13 Q. But whether -- whether a safety  
14 feature is effective or not effective,  
15 implementing a safety feature increases the  
16 perception of safety; correct?

17 MS. LUHANA: Objection to form.  
18 Hypothetical.

19 THE WITNESS: Are -- are we  
20 talking about a specific statement in my  
21 report now, 'cause I think I say that  
22 specifically for different safety features  
23 that -- and refer to Uber's own documents that  
24 talk about safety features, enhancing  
25 perception of safety in their drivers without

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1 actually contributing to true safety.

2 MR. LOVE: Right.

3 BY MR. LOVE:

4 Q. And what I'm asking you is in your --  
5 your psych -- your opinion as a psychol --  
6 psychologist, my apologies, in your opinion as  
7 a psychologist, does that same increased  
8 perception of safety happen, whether the  
9 safety feature is effective or not effective?

10 MS. LUHANA: Objection to form.  
11 Objection to the hypothetical.

12 THE WITNESS: In my -- as a  
13 psychologist, I would say that there are many  
14 ways to falsely increase people's trust and  
15 perception of safety to affect their  
16 decision-making in -- in a way that is not  
17 truly informed or --

18 MR. LOVE: Right.

19 THE WITNESS: -- in a way that  
20 makes an illusion of safety without providing  
21 safety.

22 MR. LOVE: I understand that  
23 that's your opinion, Dr. Valliere.

24 BY MR. LOVE:

25 Q. I'm asking, does that same increased

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1 perception of safety occur when a safety  
2 feature is actually effective?

3 MS. LUHANA: Objection to form and  
4 -- and the hypothetical.

5 MR. LOVE: Withdrawn.

6 BY MR. LOVE:

7 Q. In other words, is there a time where  
8 it's not a false increased perception of  
9 safety; a safety feature is implemented, it's  
10 effective and it increases the perception of  
11 safety?

12 MS. LUHANA: Objection to the form  
13 and the hypothetical. What safety feature are  
14 we talking about?

15 THE WITNESS: If -- if you're  
16 talking about a real safety feature like --  
17 like cameras as a deterrence, Uber knows that  
18 that's a real safety feature that actually  
19 adds real deterrence.

20 So can we be specific in terms of  
21 particular safety features?

22 MR. LOVE: Sure.

23 BY MR. LOVE:

24 Q. So having dashcams increases the  
25 safe -- the perception of safety; correct?

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1 MS. LUHANA: Objection to form.

2 THE WITNESS: It -- well, as Uber  
3 rightly knows, it doesn't just increase the  
4 perception of safety; it is an effective  
5 deterrent.

6 MR. LOVE: But that's not my  
7 question, Dr. Valliere. My question is about  
8 the perception of safety, okay? So please  
9 just answer my question.

10 BY MR. LOVE:

11 Q. Dashcams, in your opinion, increase  
12 the perception of safety; yes or no?

13 MS. LUHANA: Objection to -- to  
14 form. Asked and answered and hypothetical.

15 THE WITNESS: This is the thing,  
16 it's not -- there's a difference between a  
17 perception of safety and actual safety. And  
18 it's not just my opinion that dashcams  
19 increase a -- a perception of safety.  
20 Dashcams, by Uber's own information, actually  
21 increases safety.

22 BY MR. LOVE:

23 Q. I'm not asking about the actual  
24 effects of dashcams on safety; I'm asking  
25 about passengers' perceptions of safety, and



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1 you talk about that a lot in your opinion as  
2 an expert -- expert psychologist, how they  
3 perceive safety, how they perceive marketing,  
4 how they perceive branding.

5 And I'm asking a very, very simple  
6 question, and that is just, do dashcams  
7 increase the perception of safety?

8 MS. LUHANA: Objection to form and  
9 the hypothetical, and asked and answered  
10 several times.

11 THE WITNESS: There's a big  
12 difference between a perception of safety and  
13 true safety.

14 BY MR. LOVE:

15 Q. Well, if you have real safety, right,  
16 you still perceive that safety; correct?

17 MS. LUHANA: Objection to form and  
18 hypothetical.

19 THE WITNESS: I think people feel  
20 safer with dashcams.

21 MR. LOVE: Okay.

22 BY MR. LOVE:

23 Q. Now, you believe that live monitoring  
24 would deter sexual offenders; right?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: The feeling of  
2 supervision, real-time supervision and  
3 monitoring, is an aspect of deterrence that  
4 works.

5 BY MR. LOVE:

6 Q. You don't have any studies that you  
7 cite that support that; correct?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: I'm not sure if I  
10 put a certain study. I think I referenced  
11 Uber's documentation, Uber's report by  
12 Bessemer that talks about that, Uber's studies  
13 of monitoring of dashcams and deterrence  
14 theory about monitoring.

15 BY MR. LOVE:

16 Q. But you're unaware of any actual  
17 studies that show that dashcams are --  
18 increase safety; correct?

19 MS. LUHANA: Objection. Asked and  
20 answered.

21 MR. LOVE: Withdrawn.

22 BY MR. LOVE:

23 Q. You are unaware of any studies that  
24 actually show that dashcams deter sexual  
25 offenders; correct?

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1 MS. LUHANA: Objection. Asked and  
2 answered.

3 THE WITNESS: I believe there's  
4 numerous references that I have in my report  
5 to Uber's own information that shows  
6 deterrence from dashcams, so I did not go look  
7 for other studies when Uber, itself,  
8 understands that.

9 BY MR. LOVE:

10 Q. So that is a yes to my question; you  
11 are unaware of any studies that show that  
12 dashcams deter sexual offenders?

13 MS. LUHANA: Objection to form.  
14 Misstates her testimony.

15 THE WITNESS: Other than Uber's  
16 own studies? I'm sure I am aware of some. I  
17 did not cite any more, and I didn't need to.  
18 Uber, itself, knows that that's a deterrent.

19 BY MR. LOVE:

20 Q. You're aware that RideCheck actually  
21 monitors GPS data in real-time; correct?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: It's my  
24 understanding that RideCheck monitors the  
25 driver's GPS, not the rider's.

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1 MR. LOVE: Okay.

2 BY MR. LOVE:

3 Q. And when Uber -- when an Uber is  
4 stopped for an extended period of time, that  
5 RideCheck will send an alert; right?

6 MS. LUHANA: Objection to form.

7 THE WITNESS: It will send an  
8 alert to the driver and the rider if the rider  
9 has the app open and if the rider even used  
10 the app and is not a guest rider.

11 BY MR. LOVE:

12 Q. If the rider used the app, it sends  
13 an alert whether that app is open or not;  
14 correct?

15 MS. LUHANA: Objection to form.

16 THE WITNESS: Right, if they use  
17 the app. But if it's a rider that did not use  
18 the app, they will not get an alert.

19 MR. LOVE: Right.

20 BY MR. LOVE:

21 Q. Whoever booked the ride for them  
22 would get that alert, though; right?

23 A. Oh --

24 MS. LUHANA: Objection to form and  
25 hypothetical.

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1 THE WITNESS: I believe the user  
2 of the app does.

3 BY MR. LOVE:

4 Q. And that's in real-time; right, that  
5 you would get that alert?

6 MS. LUHANA: Objection to form and  
7 the hypothetical.

8 THE WITNESS: If in real-time you  
9 mean based on Uber's standards of what's  
10 acceptable delay, they have different  
11 timeframes. So in real-time, it's not  
12 immediately when the driver stops, it's after  
13 Uber's self-defined period of time.

14 BY MR. LOVE:

15 Q. You would agree with me that it would  
16 be pretty unreasonable to send an alert every  
17 time a driver stopped; right?

18 MS. LUHANA: Objection to -- to  
19 form.

20 THE WITNESS: I'm not advocating  
21 either way.

22 MR. LOVE: Okay.

23 THE WITNESS: I'm just defining.

24 MR. LOVE: Okay.

25 BY MR. LOVE:

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1 Q. Now, if that alert goes unanswered,  
2 Uber follows up with a phone call; right?

3 MS. LUHANA: Objection to form and  
4 hypothetical.

5 THE WITNESS: It's -- a period of  
6 time has to go by, and then there's a  
7 robocall, not a phone call from a person.

8 MR. LOVE: Okay.

9 BY MR. LOVE:

10 Q. And if that goes unanswered --  
11 withdrawn.

12 If someone doesn't answer that  
13 alert and that robocall, is it your opinion  
14 that Uber should reach out to the police?

15 MS. LUHANA: Objection to form and  
16 to the hypothetical.

17 THE WITNESS: I don't have an  
18 opinion on that. That's not part of my  
19 opinion. I don't believe that those are  
20 sufficient steps.

21 BY MR. LOVE:

22 Q. Do you have -- do you have a  
23 practical way to make that -- make those steps  
24 sufficient?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: I don't feel like my  
2 task was to give Uber answers about this, but  
3 to analyze how these did or did not work. And  
4 that, like I said, these contribute to a  
5 perception of safety and have not been -- have  
6 not been studied for effectiveness, and also  
7 do not sufficiently override the barriers that  
8 victims may face.

9 I don't know if a victim who's  
10 getting sexually assaulted, that would be okay  
11 to answer a robocall.

12 BY MR. LOVE:

13 Q. So to be clear, you have no way to  
14 make RideCheck safer?

15 MS. LUHANA: Objection to form.  
16 Misstates her testimony. That's not her  
17 opinion.

18 THE WITNESS: Yes. That -- that  
19 is not what I said, that I have no way of  
20 making it more practical.

21 I said I was not tasked to give  
22 Uber answers in ways to make it more practical  
23 or effective.

24 BY MR. LOVE:

25 Q. But you cannot offer a way that makes

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1 it more effective right now?

2 MS. LUHANA: Objection to form and  
3 hypothetical.

4 THE WITNESS: I'm really not  
5 willing to offer such opinions and go down  
6 that -- that's not in my report. That's not  
7 in the scope of what I was asked to do.

8 BY MR. LOVE:

9 Q. So to be clear, you were asked to  
10 decide whether or not safety features are  
11 effective, but not give any alternatives to  
12 how they could be effective?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: No. My job was to  
15 look at the -- look at the Rideshare  
16 environment, analyze the -- how inviting it is  
17 for sex offenders in the vulnerability of the  
18 system, look at the safety features and  
19 discuss the psychology or psychological impact  
20 of those features on decision-making of  
21 riders, as well as their effectiveness as a  
22 deterrence; not provide solutions for Uber,  
23 which it already has in its own documentation.

24 Uber knows what's effective and  
25 not effective, and so the information I got on



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1 their safety features comes specifically  
2 from -- from them and their proposed and  
3 rejected interventions or changes or  
4 modifications.

5 BY MR. LOVE:

6 Q. You conducted no studies about the  
7 efficiency or safety of any safety feature on  
8 the Uber app; correct?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: No, I rely on Uber's  
11 own information and internal documentations  
12 and depositions to make my statements about  
13 effectiveness and contribution to perception  
14 of safety.

15 BY MR. LOVE:

16 Q. Are you aware of any studies, outside  
17 of documents that you reviewed that were  
18 produced in this action, that show the  
19 effectiveness or safety of any Rideshare  
20 feature?

21 MS. LUHANA: Objection to form.

22 THE WITNESS: I -- I did not  
23 investigate any other external studies. What  
24 Uber knows was sufficient for understanding my  
25 opinion.

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1 BY MR. LOVE:

2 Q. And to be clear, your expertise is  
3 not on making rides safer; correct?

4 MS. LUHANA: Objection to form.

5 THE WITNESS: I would disagree  
6 with that. I think that a lot of my points  
7 and understanding of offenders and  
8 understanding of victims and deterrence could  
9 make rides more effective.

10 BY MR. LOVE:

11 Q. You have no training in making safety  
12 features for car -- Rideshare apps; correct?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: I have a lot of  
15 training in managing and deterring and  
16 preventing sexual assault.

17 MR. LOVE: That wasn't my  
18 question.

19 BY MR. LOVE:

20 Q. My question was, you have no training  
21 in making safety features for Rideshare apps;  
22 correct?

23 MS. LUHANA: Objection to form.

24 Asked and answered.

25 THE WITNESS: I do not have

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1 training specifically in making safety in  
2 apps.

3 MR. LOVE: Okay.

4 THE WITNESS: Safety features in  
5 apps.

6 BY MR. LOVE:

7 Q. You're also unable to identify any  
8 instance where Uber misrepresented how any of  
9 their safety features worked; right?

10 MS. LUHANA: Object to form.

11 THE WITNESS: I don't quite  
12 understand that question.

13 BY MR. LOVE:

14 Q. Well, you can't identify any instance  
15 where Uber misrepresented how the 911 button  
16 worked; right?

17 MS. LUHANA: Objection to the  
18 form.

19 THE WITNESS: I don't know if I  
20 looked at that as an issue. The -- my opinion  
21 is based on that the promotion of these  
22 ineffective safety features create a semblance  
23 or an illusion of trust, illusion of safety,  
24 while not actually impacting true safety.

25 BY MR. LOVE:

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1 Q. You referenced promotion of safety  
2 features. So what I'm asking about is, in the  
3 materials that you allege promoted these  
4 safety materials, Uber does not misrepresent  
5 how these safety features worked; correct?

6 MS. LUHANA: Objection. Misstates  
7 what's in the report.

8 MR. LOVE: I -- I wasn't -- I was  
9 not stating anything in her report.

10 MS. LUHANA: The prior question  
11 was about her opinion, and she talked about  
12 promotion of safety and what she disclosed in  
13 her opinion, and so this question was a  
14 follow-up to that.

15 MR. LOVE: Okay. I'll reread my  
16 question, Dr. Valliere.

17 BY MR. LOVE:

18 Q. "You referenced promotion of safety  
19 features. What I'm asking is in the materials  
20 you allege promoted these safety materials,  
21 Uber does not misrepresent how those safety  
22 features work; correct?" {Sic}

23 MS. LUHANA: Objection to the form  
24 and the hypothetical.

25 THE WITNESS: I -- while the

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1 method of the safety features is not  
2 misrepresented, the effectiveness of them is  
3 not transparent.

4 MS. LUHANA: Counsel, we've been  
5 going for a while. When do you want to break  
6 for lunch?

7 MR. LOVE: Do you have 10 more  
8 minutes in you?

9 MS. LUHANA: Doctor?

10 THE WITNESS: I'm okay.

11 MS. LUHANA: Yeah, we're okay.

12 BY MR. LOVE:

13 Q. One of your opinions is that Uber  
14 should implement dashcams.

15 You're not aware of any legal  
16 implications of having dashcams in a car;  
17 correct?

18 MS. LUHANA: Objection to form and  
19 asking for a legal conclusion.

20 THE WITNESS: Right. I'm not --  
21 I'm sure that there are privacy issues that  
22 can be dealt with as they are in other  
23 mandatory places where there are cameras.

24 BY MR. LOVE:

25 Q. But just to be clear, you are not

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1 aware of those private -- of -- withdrawn.

2 You're not aware of how those  
3 privacy issues may impact the use of dashcams  
4 in Rideshares; right?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: Not specifically  
7 state by state, region by region.

8 BY MR. LOVE:

9 Q. You don't know in what states a  
10 passenger would have to give explicit consent  
11 to be recorded; correct?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: No, but if Uber  
14 incorporated consent and mandatory dashcams as  
15 part of their service, consent would be given  
16 by the user.

17 BY MR. LOVE:

18 Q. But you're not an attorney; right?

19 MS. LUHANA: Objection.

20 THE WITNESS: No, but I'm a  
21 customer of things that have dashcams in them.

22 BY MR. LOVE:

23 Q. And you don't know the actual legal  
24 -- legal implications of a contract; correct?

25 MS. LUHANA: Objection to form.

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1 Asked and answered.

2 THE WITNESS: Yeah, I'm not an  
3 attorney.

4 BY MR. LOVE:

5 Q. You don't know what's enforceable or  
6 not in a contract; correct?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: It -- it -- this --  
9 that's too vague of a question. I'm not an  
10 attorney, so I'm not a contract attorney, no.

11 MR. LOVE: Okay.

12 BY MR. LOVE:

13 Q. You don't know the resources that it  
14 would take to distribute dashcams to every  
15 single Uber driver across the country;  
16 correct?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: It -- yeah, that's  
19 not a concern of mine or a part of my opinion.

20 BY MR. LOVE:

21 Q. And you don't know what resources it  
22 would take to monitor all of those drivers and  
23 make sure that they're utilizing dashcams  
24 properly; correct?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: Like I said, that's  
2 outside the scope of my opinion. My opinion  
3 is that that would be an actual safety  
4 feature.

5 BY MR. LOVE:

6 Q. You don't know what resources it  
7 would take to maintain those dashcams and  
8 replace broken or defective parts?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: No.

11 BY MR. LOVE:

12 Q. You are aware that Uber considered  
13 those things and legal implications when they  
14 talked about the possibility of dashcams;  
15 correct?

16 MS. LUHANA: Objection to form.

17 THE WITNESS: That's in their  
18 documentation.

19 BY MR. LOVE:

20 Q. With a dashcam --

21 MR. LOVE: Actually, this would be  
22 a good breaking point, if you want to break  
23 now.

24 MS. LUHANA: Great.

25 MR. LOVE: Okay.



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1 THE VIDEOGRAPHER: Going off the  
2 video record. The time is 12:07 p.m.

3 (Whereupon, a luncheon recess was  
4 taken at the above time.)

5 THE VIDEOGRAPHER: We are back on  
6 the video record. The time is 12:53 p.m.

7 This begins Media Unit No. 3.

8 BY MR. LOVE:

9 Q. All right, Dr. Valliere.

10 We were talking about dashcams  
11 before we went on break. You would agree with  
12 me that a dashcam cannot see below the  
13 dashboard in the front seat; correct?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: It depends where it  
16 is and how it's angled.

17 BY MR. LOVE:

18 Q. Okay.

19 So if someone was sitting in the  
20 front seat, for example, the dashcam would not  
21 pick up their lap; correct?

22 MS. LUHANA: Objection to form.  
23 Hypothetical.

24 THE WITNESS: I'm not sure. There  
25 are a variety of dashcams, so that's too

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1 specific for me to be able to answer.

2 BY MR. LOVE:

3 Q. Okay.

4 Is there any way that a dashcam on  
5 the windshield of a car could see past the  
6 dashboard into the seat?

7 MS. LUHANA: Objection to form.  
8 Hypothetical.

9 THE WITNESS: Like I said, I'd --  
10 I'd have to see. I've seen plenty of videos  
11 online that show the whole entirety of the  
12 car.

13 So I'm not familiar with every  
14 style of dashcam, where it goes, all of that  
15 stuff.

16 MR. LOVE: Okay.

17 BY MR. LOVE:

18 Q. You would agree with me that if the  
19 dashcam could not see the lap of the person  
20 sitting in the passenger seat, that a sexual  
21 offense could occur in the car that would not  
22 be picked up by that dashcam; correct?

23 MS. LUHANA: Objection to form and  
24 the hypothetical.

25 THE WITNESS: Yeah, that's --

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1 that's a little too vague. If there were  
2 audio, if it was audio recording, if there --  
3 if you could see facial expressions or  
4 gestures that corroborated something.

5 So that's -- I can't agree or  
6 disagree with that.

7 BY MR. LOVE:

8 Q. You can't agree that it's possible  
9 that it would not pick it up?

10 MS. LUHANA: Objection to form to  
11 the hypothetical.

12 THE WITNESS: I mean, of course  
13 it's possible.

14 BY MR. LOVE:

15 Q. In other words, a sexual offender  
16 could reach over out of sight of the dashcam  
17 and touch a passenger; right?

18 MS. LUHANA: Objection to form and  
19 the hypothetical.

20 THE WITNESS: If you're asking is  
21 it possible to engage in a surreptitious  
22 gesture that a camera couldn't pick up, yes.  
23 But that doesn't mean the whole offense can't  
24 be captured.

25 MR. LOVE: Okay.

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1 BY MR. LOVE:

2 Q. And you wouldn't be surprised if an  
3 offender did do that; right?

4 MS. LUHANA: Objection to form and  
5 hypothetical.

6 THE WITNESS: Would I be  
7 surprised? I -- again, that's -- it depends.

8 BY MR. LOVE:

9 Q. Now, the driver can just turn a dash  
10 camera off; right?

11 MS. LUHANA: Objection to form.

12 THE WITNESS: It depends who's in  
13 control of that dash camera.

14 BY MR. LOVE:

15 Q. Well, it would be in the driver's  
16 car; right?

17 A. Right.

18 MS. LUHANA: Objection to form.

19 BY MR. LOVE:

20 Q. On the driver's dash?

21 A. But if it was managed by someone else  
22 or mandatory to be kept on, like in taxicabs,  
23 I don't believe they can disengage their  
24 dashcams in some taxicabs, so I don't -- it  
25 depends.

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1 Q. You said you don't believe.

2 What evidence do you have to  
3 support that taxis cannot turn off their  
4 dashcams?

5 MS. LUHANA: Object to form.

6 THE WITNESS: I believe it's a  
7 conversation I had with a taxi driver.

8 BY MR. LOVE:

9 Q. What taxi driver?

10 A. Do you want me to provide the name of  
11 a taxi driver that I asked about a camera?

12 Q. Yes, if -- if it goes to your  
13 opinions, which it seems like it does, that a  
14 taxi keeps -- has to keep their camera on,  
15 then we need to know the basis of that  
16 opinion.

17 So if you had a conversation with  
18 a taxi driver, we'd like to know what taxi  
19 driver you had a conversation with.

20 MS. LUHANA: Objection to form.  
21 Mischaracterizes her testimony.

22 THE WITNESS: I don't think I put  
23 anything about that opinion in my report.  
24 It's my experience.

25 MR. LOVE: Okay.

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1 THE WITNESS: And I have no idea  
2 of the name of the taxi driver.

3 BY MR. LOVE:

4 Q. When was this conversation?

5 A. Oh, I don't know.

6 Q. Okay.

7 And you can't name any studies  
8 that say that a -- a taxi cannot turn off  
9 their camera; right?

10 MS. LUHANA: Objection to form.

11 THE WITNESS: Right.

12 BY MR. LOVE:

13 Q. You don't know of any regulation that  
14 requires a taxi to keep their camera on;  
15 right?

16 MS. LUHANA: Objection to form.

17 THE WITNESS: Not off the top of  
18 my head.

19 BY MR. LOVE:

20 Q. You can't provide any rules from any  
21 taxi company that says that a dash camera has  
22 to be in the car and kept on at all times in a  
23 taxi; correct?

24 MS. LUHANA: Objection to form.

25 Scope of opinion.

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1 THE WITNESS: Yeah, I have not  
2 investigated any of that to write my Uber  
3 report. You just asked me a question. I told  
4 you my experiential understanding.

5 MR. LOVE: Counsel, I'd ask that  
6 you keep your objections to form. It's not  
7 appropriate to be speaking objections.

8 MS. LUHANA: Counsel, I'm just --  
9 I want a clean record, so I'm being clear as  
10 to what you're asking, but understood.

11 MR. LOVE: Okay.

12 BY MR. LOVE:

13 Q. So if an Uber driver has a dashcam in  
14 the car, it's possible that they could turn it  
15 off; right?

16 A. If --

17 MS. LUHANA: Objection to the form  
18 and the hypothetical.

19 THE WITNESS: If it's set up that  
20 way, it's possible.

21 MR. LOVE: Right.

22 BY MR. LOVE:

23 Q. And even if Uber requires them to  
24 keep it on, they could still turn it off;  
25 right?

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1 MS. LUHANA: Objection to form and  
2 hypothetical.

3 THE WITNESS: If Uber required  
4 them to keep it on and they shut it off during  
5 a report, it would corroborate some victims'  
6 statements, if not the video, provide a video  
7 recording, and it also could be evidence of  
8 consciousness of guilt.

9 BY MR. LOVE:

10 Q. Okay.

11 So a driver could bring a  
12 passenger to their destination and then turn  
13 the camera off; right?

14 MS. LUHANA: Objection to form and  
15 hypothetical.

16 THE WITNESS: If the -- yeah,  
17 there are a million scenarios that you could  
18 propose, and I -- they're all theoretically  
19 possible. But it -- if -- if a driver brought  
20 a victim to her home and the victim called and  
21 reported, I was sexually assaulted after the  
22 driver stopped at my house and turned his  
23 camera off, then there would be other means,  
24 including the camera being shut off, to  
25 corroborate that, like a long stop with



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1 RideCheck, or something like that.

2 BY MR. LOVE:

3 Q. But it would be after the ride;  
4 right? Withdrawn.

5 So if -- if an Uber driver brings  
6 a passenger to their destination and ends the  
7 ride because it's the end of their destination  
8 and then shuts off the camera, then that  
9 wouldn't be evidence that Uber could use.  
10 It's after the ride; correct?

11 MS. LUHANA: Objection to form.  
12 Hypothetical.

13 THE WITNESS: It -- it would -- I  
14 don't understand. It wouldn't be evidence.  
15 If -- if it corroborates the victim's  
16 allegations, timing and description of  
17 behavior, Uber could surely use that as  
18 corroboration.

19 BY MR. LOVE:

20 Q. So is it your opinion that Uber  
21 should require drivers to have dashcams that  
22 are on 24/7 when they're in their car?

23 A. I don't think that's what I said at  
24 all.

25 Q. So once they arrive when they turn

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1 that camera off -- withdrawn.

2 It's also possible that a driver  
3 could then drop off a passenger at their  
4 destination, drive away, turn off their  
5 camera, and then return to that destination;  
6 right?

7 MS. LUHANA: Objection to form and  
8 the hypothetical.

9 THE WITNESS: Of course. That's  
10 why these victims fear Uber drivers. That's  
11 one of the things that I've talked about  
12 already.

13 BY MR. LOVE:

14 Q. And that would not be caught on  
15 camera; correct, that offense?

16 MS. LUHANA: Objection to form and  
17 the hypothetical.

18 THE WITNESS: I have no idea.  
19 Does the person have surveillance cameras? I  
20 mean, that's -- I don't know what you're  
21 asking me really.

22 BY MR. LOVE:

23 Q. It would not be caught on the dashcam  
24 in the car; correct?

25 A. If the --

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1 MS. LUHANA: Objection to form.

2 THE WITNESS: If the dashcam was  
3 off, it would not record.

4 MR. LOVE: Okay.

5 BY MR. LOVE:

6 Q. Now, you said that a dashcam being  
7 turned off could be used as evidence and that  
8 would deter a driver; right?

9 MS. LUHANA: Objection to form and  
10 the hypothetical.

11 THE WITNESS: I don't think that's  
12 what I said, but I do think a camera and  
13 knowing that camera is monitored and knowing  
14 that turning off a camera can -- can be  
15 interpreted as consciousness of guilt, that  
16 on-time, real-time monitoring can be a  
17 deterrent to an offender.

18 BY MR. LOVE:

19 Q. But your opinion is that GPS is not a  
20 deterrent?

21 MS. LUHANA: Objection to form and  
22 misstates her testimony.

23 THE WITNESS: I don't --

24 MR. LOVE: Again -- again, Roopal,  
25 please keep your objections to objection to

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1 form. It is not appropriate for you to coach  
2 the witness and I did not characterize her  
3 testimony.

4 MS. LUHANA: You said "your  
5 opinion is."

6 MR. LOVE: "Your opinion," yes.  
7 She's here to opine on a lot of things. She's  
8 an expert. Her opinion, I'm asking her  
9 opinion currently.

10 MS. LUHANA: Okay. I thought you  
11 were saying that was her prior opinion.  
12 That's her opinion.

13 Okay. Understood, counsel.

14 BY MR. LOVE:

15 Q. Your opinion, Dr. Valliere, is that  
16 GPS does not deter; correct?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: I believe in my  
19 report, I discuss this at length in terms of  
20 GPS only being as good as it is monitored, and  
21 it's generally, unless there's real-time  
22 monitoring in intervention, it can be used as  
23 after the fact.

24 And when offenders understand very  
25 quickly that there is no real-time monitoring

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1 on GPS, then, again, we're talking about  
2 shifting the burden to the victim to report as  
3 opposed to being monitored in real-time.

4 BY MR. LOVE:

5 Q. You just said that dashcams serve as  
6 a deterrent even if they're off; correct?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: It -- it -- the --  
9 it's not about the dashcam being off; it's  
10 about the process of disconnecting a dashcam  
11 when they're required to be on. And the idea  
12 that there's an expectation that when you're  
13 acting as a driver, your dashcam is ongoing  
14 while you're in that role.

15 MR. LOVE: Sure.

16 BY MR. LOVE:

17 Q. So if GPS is ongoing while a driver  
18 is driving; correct?

19 MS. LUHANA: Objection to form.

20 (Court Reporter Clarification.)

21 MR. LOVE: Yes.

22 BY MR. LOVE:

23 Q. The GPS is ongoing while a driver is  
24 taking a trip; correct?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: It's necessary for  
2 the app to work and the -- a person to get a  
3 ride. GPS is inherent in the whole  
4 functioning.

5 MR. LOVE: Right.

6 BY MR. LOVE:

7 Q. So the GPS will record where that  
8 driver is going; correct?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: Correct.

11 BY MR. LOVE:

12 Q. And so if he deviates from that ride,  
13 then that GPS could be used to corroborate a  
14 victim's story; correct?

15 MS. LUHANA: Objection to form.  
16 Hypothetical.

17 THE WITNESS: I think the evidence  
18 that there are hundreds of thousands of sexual  
19 misconducts on Uber rides is proof that GPS,  
20 in and of itself, is not a deterrent.

21 MR. LOVE: Dr. Valliere, that was  
22 not my question.

23 BY MR. LOVE:

24 Q. My question was, the GPS would show  
25 if a driver deviated from a ride; yes or no?

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1 MS. LUHANA: Objection to form.

2 THE WITNESS: If the driver is  
3 being monitored and GPS is in real-time  
4 monitoring and use -- and those deviations are  
5 intervened with, then GPS may be more in  
6 effect -- more effective.

7 At this point, GPS is only used  
8 after the fact if there is a report of a  
9 problem.

10 BY MR. LOVE:

11 Q. Is there a reason you can't answer my  
12 question?

13 MS. LUHANA: Counsel, she's doing  
14 her best to answer your questions, which are  
15 pretty broad.

16 MR. LOVE: My question is -- my  
17 question is pretty straightforward.

18 MS. LUHANA: It's not.

19 BY MR. LOVE:

20 Q. A GPS -- a GPS -- a GPS on a ride  
21 would record if a driver deviated from the  
22 route; correct?

23 MS. LUHANA: Objection to form.  
24 Asked and answered.

25 THE WITNESS: Your -- your

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1 questions are not straightforward; they lack  
2 context. And in the context of sexual assault  
3 in an Uber, which is where my expert opinion  
4 is, an offender can easily explain a GPS  
5 deviation by saying she had to stop and throw  
6 up or she has to go to the store.

7 So just because it deviates from  
8 the ride does not mean that will be a  
9 deterrent, especially if the offender has  
10 experience with explaining away deviations or  
11 never having their deviations questioned.

12 BY MR. LOVE:

13 Q. And similarly, an Uber driver could  
14 explain why a camera was turned off; correct?

15 MS. LUHANA: Objection to form.

16 THE WITNESS: Not as easily if  
17 it's a requirement. If Uber says there's no  
18 excuses to turn off a camera, explaining a way  
19 -- breaking a rule is still a rule violation.

20 BY MR. LOVE:

21 Q. Well, hold on.

22 There's no excuses for deviating  
23 from the route either, is there?

24 A. There --

25 MS. LUHANA: Objection to form.



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1 THE WITNESS: There are if it's at  
2 the rider's request.

3 MR. LOVE: Okay.

4 BY MR. LOVE:

5 Q. What if the rider requests that they  
6 turn off the camera?

7 MS. LUHANA: Objection to form and  
8 hypothetical.

9 THE WITNESS: Then if it's  
10 mandatory by Uber, that request goes un --  
11 unfulfilled.

12 BY MR. LOVE:

13 Q. Well, you can't record someone  
14 without their consent; correct, first of all?

15 MS. LUHANA: Objection to form.

16 THE WITNESS: If the rules about  
17 getting into an Uber are that you are going to  
18 record, you agree to that rule, just like I  
19 can't go into Walmart and ask them to turn off  
20 the cameras, because I understand there are  
21 cameras in that store, and by entering that  
22 store, that gives my consent, and I can't  
23 personally go to that Walmart manager and say,  
24 I don't want to be on that camera.

25 BY MR. LOVE:

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1 Q. Okay.

2 An Uber driver could easily say  
3 that a camera is broken; right?

4 MS. LUHANA: Objection to the form  
5 and the hypothetical.

6 THE WITNESS: Then if Uber has a  
7 rule about you must have a camera, then they  
8 can't take an Uber ride while their camera is  
9 broken.

10 BY MR. LOVE:

11 Q. Okay.

12 But these are all excuses that  
13 they could set forth; correct?

14 MS. LUHANA: Objection to the  
15 form.

16 THE WITNESS: Excuses aren't  
17 meaningful in the context of the report of a  
18 sexual assault, which is why -- where Uber  
19 would be investigating this.

20 And when there are hard and fast  
21 rules, your excuses don't matter.

22 BY MR. LOVE:

23 Q. But your contention is that a rider  
24 who says that a passenger asked them to  
25 deviate from the route can explain away the

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1 GPS deviations?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: A -- let me read  
4 your question.

5 MR. LOVE: Withdrawn.

6 THE WITNESS: "A rider who says  
7 that a passenger" --

8 MR. LOVE: Withdrawn.

9 BY MR. LOVE:

10 Q. Your contention is that a driver who  
11 says that a passenger asked them to deviate  
12 from the route can explain away the GPS  
13 deviations?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: They may be able to,  
16 but if that deviation coincides with a report  
17 of a sexual assault, then that explanation  
18 should be deeply investigated or not accepted  
19 as a reason.

20 BY MR. LOVE:

21 Q. So GPS would act as a deterrent;  
22 correct?

23 MS. LUHANA: Objection to form.

24 Asked and answered.

25 THE WITNESS: Even by Uber's own

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1 internal standards, it's clear that GPS does  
2 not act as a deterrent.

3 BY MR. LOVE:

4 Q. My question to you is that in your  
5 opinion, because it can be used as evidence  
6 after the fact, it could be used as a  
7 deterrent; correct?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: I do not agree with  
10 that.

11 BY MR. LOVE:

12 Q. And yet for dashcams, because they  
13 can be used as evidence after the fact, they  
14 would be deterrents?

15 MS. LUHANA: Objection to -- to  
16 form.

17 THE WITNESS: Dashcams are  
18 real-time supervision and provide documented  
19 evidence of what is actually happening. You  
20 asked a different --

21 MS. LUHANA: Counsel, please allow  
22 her to finish her response before you ask  
23 another question.

24 Go ahead, Doctor.

25 THE WITNESS: You did not say if

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1 they are turned off. If they are required, if  
2 dashcams are required, they would act as a  
3 deterrent. And by Uber's own documentation,  
4 they have proof of deterrents.

5 MR. LOVE: Okay.

6 BY MR. LOVE:

7 Q. And your opinion is that even if the  
8 driver turned it off, it would act as  
9 corroborating evidence to report a sexual  
10 assault, and because drivers know that, it  
11 would be a deterrent for sexual assaults; yes?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: What I said was --  
14 is that turning off a camera, if it's a rule  
15 violation, could be corroboration of a  
16 victim's statement, as well as consciousness  
17 of guilt.

18 So a -- a offender would have to  
19 make an instrumental decision to break the  
20 rules and risk consequences already by turning  
21 off the camera during a sexual assault.

22 BY MR. LOVE:

23 Q. And as you stated just earlier,  
24 deviations from a GPS can corroborate a story  
25 or a -- a report of sexual assault after the

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1 fact, and so just like dashcams that are  
2 turned off, they can be deterrents; right?

3 MS. LUHANA: Objection to the  
4 form.

5 THE WITNESS: I guess I'm confused  
6 with your focus on GPS. Because GPS is  
7 inherent in the Uber app and Uber has hundreds  
8 of thousands of sexual assaults, that, in  
9 itself, shows that GPS is not a deterrent to  
10 sexual misconduct or sexual assaults.

11 MR. LOVE: Dr. Valliere, that's  
12 not my question. I'm going to ask you to  
13 focus on my question.

14 BY MR. LOVE:

15 Q. You talked about the driver turning  
16 off a camera can be evidence after the fact of  
17 a sexual assault that corroborates the report  
18 and thus deters sexual assault.

19 You also testified that deviations  
20 from the route on a GPS can be used to  
21 corroborate a story and thus be evidence that  
22 supports a report of sexual assault.

23 So they are both deterrents to  
24 sexual assault; correct?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: That is absolutely  
2 not correct, and that's what I'm trying to  
3 explain to you.

4 Just because two pieces of --  
5 you're trying to equate video recording or  
6 issues with cameras or a specific action an  
7 individual takes with GPS.

8 It is obvious and clear that GPS  
9 does not act as a deterrent in whatever form.  
10 GPS in Uber has been used when a victim  
11 reports to corroborate victims' reports. But  
12 even in those reports, they've been explained  
13 away. In cameras, if it needs to always be  
14 on, there's no way to explain away turning off  
15 a camera.

16 So this is -- this is different.  
17 I have offenders on GPS during my -- their --  
18 their treatment with me. It's only a  
19 deterrent when they are being monitored and  
20 asked about it in real-time and they know  
21 somebody's watching them.

22 MR. LOVE: Okay.

23 BY MR. LOVE:

24 Q. Is evidence that corroborates a  
25 report of sexual assault after the fact a

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1     deterrent?

2                   MS. LUHANA:   Objection to form and  
3     the hypothetical.

4                   THE WITNESS:   It -- it depends.

5     BY MR. LOVE:

6           Q.     If a driver knows that a decision  
7     that they make will be used as evidence to  
8     corroborate sexual assaults, are they less  
9     likely to take that action?

10                  MS. LUHANA:   Objection to form.  
11     Objection to hypothetical.

12                  THE WITNESS:   It -- it depends.  
13     That's way too broad of a question.

14                  MR. LOVE:   It's actually really  
15     not a broad question at all, so maybe if you  
16     can explain what you're not getting or what's  
17     not making any sense or it's too big for you.

18     BY MR. LOVE:

19           Q.     My question is simply, is -- if a  
20     driver knows that a decision they make could  
21     be used as evidence against them after the  
22     fact, would that deter them from taking that  
23     decision or making that decision?

24                  MS. LUHANA:   Objection to form and  
25     the hypothetical.



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1 THE WITNESS: You're actually not  
2 correct. It is not a simple question. It's a  
3 very broad question that's very complicated in  
4 terms of answering in the context of sexual  
5 assault and sexual offenders.

6 For instance, a sexual offender  
7 takes a drunk victim home and engages, and I'm  
8 not even talking about in an Uber, and engages  
9 in raping that victim, and that victim goes to  
10 the police and says yes, we were drinking.  
11 Yes, we went home and he raped me.

12 All the offender has to do is say  
13 yes, we were drinking, yes, I went to her  
14 home, and yes, we had consensual sex. All of  
15 that comports with one another.

16 So sexual assault, sexual  
17 offenders and victim behavior are all very  
18 complicated.

19 If GPS, in and of itself, was a  
20 deterrent, Uber would not have the sexual  
21 assault problem that it has because GPS is  
22 inherent in the Uber app.

23 MR. LOVE: Okay. So I still don't  
24 think you actually answered my question, so.  
25 Again, I just want to focus in on my question.

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1 And if something is confusing about the  
2 question, please explain that to me, and I  
3 will try to reword the question so that it  
4 makes sense.

5 MS. LUHANA: Counsel, she's  
6 already told you that it's a complicated  
7 question. She's tried her best to answer it  
8 like several times.

9 If you -- why don't you ask  
10 another question then?

11 MR. LOVE: I can conduct my own  
12 examination. Thank you.

13 BY MR. LOVE:

14 Q. Dr. Valliere, do you believe that  
15 evidence of sexual assault is a deterrent to  
16 sexual offenders?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: If it is evidence  
19 that is clear and unequivocal, like a video  
20 recording, yes. If it is evidence that can be  
21 manipulated, misunderstood or explained away,  
22 no, not necessarily.

23 MR. LOVE: Thank you.

24 BY MR. LOVE:

25 Q. Sexual offenders can be pretty bold

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1 with their offending; right?

2 MS. LUHANA: Objection to form and  
3 the hypothetical.

4 THE WITNESS: It depends on the  
5 offender. Some are not bold at all. Some can  
6 be bold.

7 BY MR. LOVE:

8 Q. You mention in your report the  
9 possibility of using point-in-time messaging.  
10 You would agree with me that Uber  
11 can't know when a driver is about to commit a  
12 sexual assault; correct?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: What --

15 MR. LOVE: Withdrawn. Let me  
16 clarify.

17 THE WITNESS: Okay.

18 BY MR. LOVE:

19 Q. Uber can't read its drivers' minds;  
20 right?

21 MS. LUHANA: Objection to form.

22 THE WITNESS: As long as it hasn't  
23 developed the technology yet, I'm not sure.  
24 But I believe point-in-time messaging was  
25 something that Uber's law enforcement expert

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1 recommended, or was in Uber's document.

2 I don't believe -- unless you show  
3 me, I don't believe that's something that I  
4 specifically spoke about.

5 MR. LOVE: Okay.

6 BY MR. LOVE:

7 Q. So is it your contention that  
8 point-in-time messaging would not help?

9 MS. LUHANA: Objection to form.

10 MR. LOVE: I just want -- I just  
11 want to make sure.

12 MS. LUHANA: Objection to form.

13 THE WITNESS: I believe that in my  
14 report, and we can look for it, but I believe  
15 I was referencing a law enforcement  
16 professional that recommended to Uber to do  
17 point-in-time messaging.

18 MR. LOVE: Okay. But my -- my  
19 question is a little different.

20 BY MR. LOVE:

21 Q. So is it your opinion that that would  
22 be helpful, or no?

23 MS. LUHANA: Objection to form.

24 THE WITNESS: I believe that it  
25 would be helpful to both drivers and

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1 passengers to do messaging about risk factors  
2 that exist in that ride in real-time.

3 MR. LOVE: Okay.

4 BY MR. LOVE:

5 Q. You are not aware of any studies that  
6 show that that would be effective; right?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: I cannot name a  
9 study, but I do know that warning people about  
10 risk changes their evaluation of risk, level  
11 of guardedness and level of awareness of  
12 appropriate behavior, which is the same  
13 framework that I believe the Uber expert said  
14 that point-in-time messaging would alert  
15 people to high-risk times and put them on  
16 point with that.

17 BY MR. LOVE:

18 Q. So when you say "notify of the  
19 risks," you're saying these notifications  
20 would only be sent out at high-risk times for  
21 sexual assault?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: No. I think they  
24 could be sent out in high-risk rides with all  
25 the risk factors that Uber knows about their

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1 drivers and their riders and the pairing, as  
2 well as times, places or situations where risk  
3 issues exist.

4 BY MR. LOVE:

5 Q. Sexual assault cannot be predicted;  
6 right?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: Uber, itself,  
9 repeatedly says that because sexual assault  
10 can often be predicted with their risk factors  
11 in their own studies, that it can be  
12 preventable. That phrase comes up numerous  
13 times in their own documentation.

14 MR. LOVE: Okay.

15 BY MR. LOVE:

16 Q. In your opinion, sexual assault  
17 cannot be predicted; correct?

18 MS. LUHANA: Objection to form.

19 THE WITNESS: That is not my  
20 opinion.

21 BY MR. LOVE:

22 Q. So you believe sexual assaults can be  
23 predicted?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: It's not a -- for --

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1 it's not that positive/positive,  
2 false/positive. You know, it's not that  
3 quadrant kind of prediction where it is going  
4 to happen or isn't going to happen.

5 But we can estimate that the risk  
6 that a sexual assault will happen will go  
7 higher and higher and higher as these risk  
8 factors add up.

9 And given the particular offender,  
10 that offender's behavior can be assessed as  
11 growing in risk that something will happen,  
12 given what you know about that offender.

13 So the ultimate yes or no  
14 prediction is very difficult. But you can  
15 predict that the risk is going to be much  
16 higher and you can predict who -- who may act  
17 on that risk at a much greater rate.

18 BY MR. LOVE:

19 Q. So what I'm hearing you say, and  
20 correct me if I'm wrong, is that you can  
21 assess risks and identify risks, but you  
22 cannot predict yes or no if sexual assault is  
23 going to happen.

24 MS. LUHANA: Objection to form.

25 BY MR. LOVE:

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1 Q. Is that right?

2 MS. LUHANA: Objection to form.  
3 Mischaracterizes testimony.

4 THE WITNESS: In -- the ultimate  
5 yes or no about predicting is difficult. For  
6 instance, if Uber has a driver that has  
7 one-star ratings, prior IPC events, has a  
8 shorter driving history, their age. If the  
9 driver has all the risk factors, and they, at  
10 environmentally risky times, weekends, nights,  
11 late hours, whatever, pick up a lone,  
12 intoxicated woman driver, {sic} they can do  
13 things -- that's a predictable risk situation,  
14 and so Uber can say, this is a really  
15 high-risk time.

16 This driver, because of all his  
17 risk factors and his prior reports of sexual  
18 misconduct, is very likely to -- to go on to  
19 commit a sexual assault, and they make an  
20 intervention.

21 MR. LOVE: Ah.

22 THE WITNESS: Then they've changed  
23 the prediction, right? They've prevented  
24 something.

25 And so when you're capable of



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1 preventing something, then you're not capable  
2 of -- of measuring prediction. That's the  
3 problem with prediction. If I really think  
4 you're going to do something and I'm right,  
5 but I intervene, then I'm automatically wrong  
6 'cause you didn't do it.

7 MR. LOVE: Okay.

8 BY MR. LOVE:

9 Q. Assuming there's no intervention,  
10 sexual assault still cannot be predicted; yes  
11 or no, correct?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: That's too general  
14 of a question to answer in yes or no. It  
15 really is.

16 You cannot ultimately predict  
17 human behavior with 100 percent accuracy in  
18 any situation, but you can intervene to  
19 prevent it.

20 MR. LOVE: Understood.

21 BY MR. LOVE:

22 Q. Your opinion is that there's little  
23 evidence that -- well, I guess -- withdrawn.

24 There's little evidence that  
25 community notifications prevent sexual

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1 assaults; right?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: It's -- it's not a  
4 incredibly effective way to prevent sexual  
5 assault, no.

6 BY MR. LOVE:

7 Q. But they do give a false sense of  
8 security; right?

9 MS. LUHANA: Objection to the  
10 form.

11 THE WITNESS: "Community  
12 notification." Now, that's complicated. I  
13 believe this is a legislative issue that  
14 promotes some sense of safety that doesn't  
15 necessarily ensure safety.

16 MR. LOVE: Okay.

17 BY MR. LOVE:

18 Q. I want to briefly talk about the  
19 taxonomy that was created for Uber. You take  
20 issue with the -- the actual naming of the  
21 taxonomy; correct?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: I take issue with  
24 the ways that some of the categories are  
25 labeled, but my biggest issue with the

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1 taxonomy is that Uber doesn't report all the  
2 incidents of sexual violence.

3 MR. LOVE: I'm not going to be  
4 asking about that; I'm just going to be asking  
5 about the naming.

6 BY MR. LOVE:

7 Q. So one of the issues that you have is  
8 that you believe there is no such thing as  
9 non-consensual sex; right?

10 MS. LUHANA: Objection to form.

11 THE WITNESS: It -- if it's  
12 non-consensual sex, it's sexual assault.

13 MR. LOVE: Right.

14 BY MR. LOVE:

15 Q. And you despise the term  
16 "non-consensual sex"?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: I despise it? I --  
19 I think -- I wouldn't use the word "despise."

20 I think it's inaccurate language  
21 that mitigates and muffles what is actually  
22 happening.

23 BY MR. LOVE:

24 Q. You would not say that you despise  
25 the term "non-consensual sex"?

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1 MS. LUHANA: Objection to form.

2 If -- counsel, are you referring  
3 to something, a document?

4 MR. LOVE: Again, if the witness  
5 is confused, the witness can ask me. I'm  
6 asking a question. The witness can answer.

7 MS. LUHANA: Understood.

8 THE WITNESS: I don't know where  
9 you get the word "despised." I may have said  
10 that. I'm -- I am against a lot of language  
11 that cloaks the reality of sexual assault.

12 MR. LOVE: Okay.

13 BY MR. LOVE:

14 Q. But taxonomy, in your opinion, should  
15 use the word "rape"; right?

16 MS. LUHANA: Objection to form.

17 THE WITNESS: In my opinion, yes.

18 BY MR. LOVE:

19 Q. You would agree with me that rape and  
20 non-consensual sex are synonymous?

21 MS. LUHANA: Objection to form.

22 THE WITNESS: You know, that's a  
23 tricky question to answer because rape is  
24 legally defined as some things.

25 I would say that when somebody

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1 engages in sexual acts without the other  
2 party's consent, it is sexual assault and  
3 sexual violence.

4 BY MR. LOVE:

5 Q. Taking it out of the legal context,  
6 just in a generic, typical way of  
7 understanding the word, rape is synonymous  
8 with non-consensual sex; correct?

9 MS. LUHANA: Objection to the  
10 form.

11 THE WITNESS: Rape is rape, and I  
12 don't believe there's something as -- I don't  
13 believe there is non-consensual sex. It's  
14 sexual assault.

15 BY MR. LOVE:

16 Q. Would you consider calling a rider  
17 lazy to be sexual misconduct?

18 MS. LUHANA: Objection to form.  
19 Hypothetical.

20 THE WITNESS: I have no idea what  
21 you're asking me. I'm sorry. Lazy how?  
22 You're lazy in giving me a blow job? That  
23 would be pretty -- that would be sexual  
24 misconduct. I don't understand.

25 MR. LOVE: Right. I didn't put

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1 that context on it. So I'm just asking it in  
2 just the context that I'm asking.

3 BY MR. LOVE:

4 Q. Just if a driver calls a passenger  
5 lazy, that is not sexual misconduct; right?

6 MS. LUHANA: Objection to the form  
7 and the hypothetical.

8 THE WITNESS: I'd have to have a  
9 con -- I'd have to have a context.

10 BY MR. LOVE:

11 Q. Dr. Valliere, the context is the  
12 driver calls the rider lazy. He says, "You  
13 are lazy."

14 Is that sexual misconduct; yes or  
15 no?

16 MS. LUHANA: Objection to the form  
17 and hypothetical.

18 THE WITNESS: It -- how did that  
19 come to be that a driver would -- I need to  
20 understand that.

21 Say they were discussing her  
22 husband's dissatisfaction with her as a sexual  
23 partner and the driver says, you're lazy.

24 I --

25 BY MR. LOVE:

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1 Q. But, Dr. Valliere, you are -- you are  
2 adding that context, and so I'm ask -- I'm  
3 asking you in just the context that a driver  
4 just says, you are lazy, and that is it, and  
5 there is no sexual context around it, there's  
6 no sexual activity happening, the ride -- the  
7 driver says, you are lazy, to a rider, that is  
8 not sexual misconduct; correct?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: I'm sorry, I can't  
11 answer that without a context. I literally  
12 can't, because that can mean so many things.

13 So you're saying by the very  
14 granular definition of the word "lazy," does  
15 that imply sex? Not necessarily.

16 BY MR. LOVE:

17 Q. Well, I've given you context; right?

18 This is the context. A rider gets  
19 in the car. The driver says, you're lazy.

20 Is that sexual misconduct?

21 MS. LUHANA: Objection to the form  
22 and the hypothetical.

23 THE WITNESS: So out of the blue,  
24 with no prior interaction, with no prior  
25 engagement with the client, this guy just

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1 says, you're lazy, to somebody getting in  
2 their car?

3 MR. LOVE: Yes.

4 BY MR. LOVE:

5 Q. Is something confusing about that?

6 A. It's very confusing.

7 Q. Okay.

8 A. Like, I just can't imagine why that  
9 would happen if the driver wasn't being  
10 derogatory, devaluing or abusive in some way.

11 So --

12 Q. But I'm not asking you to pontificate  
13 on why it was happening. I'm asking you a  
14 very straightforward question.

15 A rider gets into a car. A driver  
16 says, you're lazy. Sexual misconduct; yes or  
17 no?

18 MS. LUHANA: Objection to form and  
19 the hypothetical.

20 THE WITNESS: I cannot answer  
21 that. If he's talking about her appearance,  
22 if he's talking about that she's not dressed  
23 sexy.

24 This is -- this is a very  
25 confusing question because you're asking me to



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1 interpret and opine on human behavior in a  
2 vacuum, and human behavior doesn't exist in a  
3 vacuum.

4 MR. LOVE: If the witness  
5 continues to not answer my questions and be  
6 evasive, then we are going to have to seek  
7 additional time for this deposition and hold  
8 it open.

9 MS. LUHANA: Counsel --

10 MR. LOVE: So I don't know if you  
11 want to take a break and talk about that or  
12 not, but we will seek additional time if the  
13 witness continues to be evasive at a very,  
14 very straightforward question.

15 MS. LUHANA: Counsel, she's trying  
16 her best to answer your questions and you're  
17 asking very broad questions and so she's doing  
18 her best here.

19 MR. LOVE: I -- I -- you know, I'm  
20 not going to get into an argument on the  
21 record, but I will put my position that it's a  
22 very straightforward question. It was  
23 confined to a very specific context. It was  
24 very detailed.

25 It's not a hard question. It's

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1 not broad, and it can be answered easily. And  
2 so if the witness continues to be evasive, we  
3 will hold this deposition open and seek more  
4 time.

5 MS. LUHANA: She did answer your  
6 question; you're just not happy with the  
7 response. And you -- you can seek whatever  
8 relief you need, counsel.

9 BY MR. LOVE:

10 Q. Dr. Valliere, I'm going to ask one  
11 more time.

12 If a rider gets into a car and the  
13 driver says, you're lazy, you should have  
14 walked, and that is it, that is the whole  
15 context, the whole context of the interaction  
16 is right there, that's it, is that sexual  
17 misconduct?

18 MS. LUHANA: Objection to form.  
19 Objection to the hypothetical.

20 THE WITNESS: I think you're  
21 asking the wrong person to simplify human  
22 behavior. I'm a clinician, and human behavior  
23 results from intention and motivation and  
24 impact on the other person.

25 So if -- I can't say yes or no. I

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1 can say superficially, if that driver is being  
2 degrading and devaluing to the rider about her  
3 physical ability to walk, then all I can tell  
4 you is that's completely inappropriate and  
5 degrading, and that -- that's markers of  
6 somebody who may be at risk for sexual  
7 misconduct in the future.

8 BY MR. LOVE:

9 Q. Doctor, sexual misconduct?

10 MS. LUHANA: What? Objection to  
11 form.

12 THE WITNESS: In the vacuum of two  
13 sentences and -- it's still really hard. In  
14 the vacuum of you're lazy, you should have  
15 walked, with no other implication, no staring,  
16 no indication to the client's sexuality or  
17 dress or whatever, in and of itself, without a  
18 broader context, it would be hard to qualify  
19 that as sexual misconduct.

20 BY MR. LOVE:

21 Q. You said in one of your answers, "I'm  
22 a clinician" -- sorry, "I think you're asking  
23 the wrong person to simplify human behavior.  
24 I'm a clinician, and human behavior results  
25 from intention and motivation and impact on

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1 the other person."

2 So is it your -- are you  
3 contending that you cannot opine on intention,  
4 motivation and impact on a person?

5 MS. LUHANA: Objection.  
6 Mischaracterizes her testimony.

7 THE WITNESS: I think I'm saying  
8 the exact opposite; that unless I know more  
9 about the situation, the intention and the  
10 impact, I cannot just blankly say this is yes  
11 or no sexual misconduct based on a couple  
12 words.

13 MR. LOVE: Understood. Okay.  
14 BY MR. LOVE:

15 Q. A rider gets into a car and the  
16 driver asks what their credit score is.  
17 That's the whole context. No other context.

18 Sexual misconduct; yes or no?

19 MS. LUHANA: Objection to form and  
20 the hypothetical.

21 THE WITNESS: Again, this is --  
22 why would somebody do that? That's what I'm  
23 asking myself. Immediately I would say, if  
24 somebody asks a stranger that, my immediate  
25 question is why would they violate somebody's

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1 personal and psychological integrity like that  
2 and what is going on here? So that's why I --  
3 I'm having a hard time.

4 These are not normal interpersonal  
5 interactions between strangers without some  
6 kind of context.

7 If you go into a bank and your  
8 lender asks you, as a stranger, what's your  
9 credit score, that's not sexual harassment.  
10 But I don't know what -- I don't know why  
11 somebody would do that.

12 So that's my -- that's what I  
13 would be looking to find out before I  
14 interpret that behavior as one thing or  
15 another.

16 Are those specific words sexual?  
17 Not necessarily.

18 BY MR. LOVE:

19 Q. Okay.

20 A driver telling a rider that  
21 she's pretty, but making no advance, is that  
22 sexual misconduct?

23 MS. LUHANA: Objection to form and  
24 the hypothetical.

25 THE WITNESS: I would say yes. I

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1 do -- I would not appreciate that as a  
2 stranger locked in a car and a woman, so that  
3 starts to violate interpersonal boundaries and  
4 makes somebody uncomfortable.

5 MR. LOVE: Understood.

6 BY MR. LOVE:

7 Q. You are aware of the organization  
8 RAINN; correct?

9 A. Yes.

10 Q. It's an anti-sexual assault nonprofit  
11 organization?

12 A. Yes.

13 Q. It's actually the largest one;  
14 correct?

15 A. I don't --

16 MS. LUHANA: Objection to form.

17 THE WITNESS: I don't know if it's  
18 the largest.

19 BY MR. LOVE:

20 Q. It is reputable, though; right, it's  
21 reputable?

22 A. Correct. It's well known.

23 Q. Well, you -- you cite to RAINN on a  
24 pretty regular basis; right?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: I don't think I cite  
2 to it on a regular basis. I have used their  
3 statistics.

4 BY MR. LOVE:

5 Q. You cited to RAINN in your report;  
6 correct?

7 A. I cited to their statistics, as well  
8 as Uber's partnership with RAINN, and RAINN's  
9 endorsement of Uber.

10 Q. And you cited to their statistics in  
11 your book as well; right?

12 A. I think it's the same statistic, yes.

13 Q. So you have no reason to believe that  
14 their statistics are not reliable; right?

15 MS. LUHANA: Objection to form.

16 THE WITNESS: I have no reason to  
17 believe that the statistic I use is not  
18 reliable, but that's not a comment on the  
19 overall organization.

20 BY MR. LOVE:

21 Q. So what differentiates the one  
22 statistic that you used in this report and any  
23 other statistic that RAINN puts on its  
24 website?

25 MS. LUHANA: Objection to form and

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1 the hypothetical.

2 THE WITNESS: I don't know all the  
3 statistics they put on their website. That  
4 statistic comes from a particular analysis of  
5 a crime report that I also double-checked.

6 MR. LOVE: Okay.

7 If we could pull up -- actually,  
8 yeah. If we could pull up Tab 10, please,  
9 Ms. Delaney.

10 MS. DELANEY: This will be  
11 Exhibit 9; correct?

12 MR. LOVE: Yes.

13 (Whereupon, a document was marked,  
14 for identification purposes, as Exhibit 9.)

15 BY MR. LOVE:

16 Q. And, Dr. Valliere, once that's up, if  
17 you could just flip to page 5 for me and let  
18 me know when you're there.

19 A. Okay. We're here.

20 Q. That says 1 in every 6 U.S. women  
21 experiences attempted or completed rape;  
22 correct?

23 A. Yeah, it's right there.

24 MS. LUHANA: Sorry. Go ahead. We  
25 weren't on that page yet. No worries.



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1 THE WITNESS: I'm sorry, the 1 in  
2 6 women have experienced or attempted  
3 completed rape? That's what that says, yes.

4 BY MR. LOVE:

5 Q. And that sounds right, based on your  
6 experience; right?

7 A. That sounds right based on the  
8 statistics I'm aware of.

9 Q. Okay.

10 And that's about 17 percent of  
11 women; right?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: I'll trust your  
14 math.

15 BY MR. LOVE:

16 Q. So a woman, in her daily life, has a  
17 17 percent chance of being sexually assaulted?

18 MS. LUHANA: Objection to form.

19 THE WITNESS: That's not an equal  
20 formula. That's -- that's not proper logic.

21 BY MR. LOVE:

22 Q. Well, 17 percent of women have  
23 experienced attempted rape or rape; right?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: Correct, but that

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1 doesn't mean that every woman has the same  
2 chance of being raped.

3 MR. LOVE: Right.

4 BY MR. LOVE:

5 Q. But on average, the -- the U.S. woman  
6 has about a 17 percent chance of encountering  
7 attempted or completed rape?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: No. There are women  
10 in much less risky situations that their  
11 chance of being raped are much lower.

12 BY MR. LOVE:

13 Q. You're -- you're talking about a  
14 particular woman, though.

15 I'm asking you to consider the  
16 average woman in the United States, which this  
17 speaks to; 17 percent of women throughout the  
18 United States are either sexually -- either  
19 attempted -- experienced either attempted or  
20 completed rape.

21 So the average woman in the United  
22 States has about a 17 percent chance of  
23 experiencing an attempted or completed rape;  
24 correct?

25 MS. LUHANA: Objection to the

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1 form.

2 THE WITNESS: That's not -- that's  
3 not logical. Saying 17 percent of women who  
4 are raped does not equal every single woman  
5 has a 17 percent chance of being raped.

6 So I will agree that 17 percent of  
7 women in America are raped. I will not agree  
8 that every woman has a 17 percent chance of  
9 being raped.

10 MR. LOVE: But I didn't -- okay.  
11 I'm -- let me try to clarify.

12 I'm not asking you about every  
13 single woman individually.

14 BY MR. LOVE:

15 Q. I'm saying, on average, a woman in  
16 the United States has a 17 percent chance of  
17 experiencing attempted rape or completed rape?

18 MS. LUHANA: Objection.

19 BY MR. LOVE:

20 Q. Do you understand -- do you  
21 understand the difference that I'm trying to  
22 make between an average person and every  
23 individual person?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: Yes, but what you

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1 said is so that -- so an average woman in the  
2 United States has a 17 percent chance of being  
3 raped. No. 17 percent of women in America  
4 are raped on average.

5 BY MR. LOVE:

6 Q. It also says 1 in every 33 men in the  
7 United States have experienced attempted or  
8 completed rape; right?

9 A. Correct.

10 Q. And that's about three percent of  
11 men; correct?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: Yes.

14 BY MR. LOVE:

15 Q. And does that sound right to you,  
16 based on your experience?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: It -- when it comes  
19 to rape, yes.

20 MR. LOVE: Okay.

21 If we could pull up Tab 11, and  
22 we'll mark that as Exhibit 10.

23 (Whereupon, a document was marked,  
24 for identification purposes, as Exhibit 10.)

25 MR. LOVE: And for the record,

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1 this is marked as UBER\_JCCP\_MDL\_000007083.

2 MS. LUHANA: It's trying to  
3 upload. It's a big file. I think it actually  
4 worked.

5 MR. LOVE: Yes. Thank you.

6 BY MR. LOVE:

7 Q. Dr. Valliere, once you get that,  
8 could you please turn to the page that has the  
9 Bates stamps ending in 7141 in the bottom  
10 right-hand corner.

11 A. 7141?

12 Q. Yes.

13 MS. LUHANA: We'll pull it up, but  
14 it's still loading.

15 MR. LOVE: Gotcha.

16 (Brief pause.)

17 THE WITNESS: We got like 40 more  
18 pages to go, yeah.

19 MR. LOVE: If it helps, it's  
20 page 59 of the actual document, itself.

21 THE WITNESS: Yeah. We got it.  
22 Thank you.

23 BY MR. LOVE:

24 Q. So can you see that chart at the top  
25 of the page?

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1 A. Yes.

2 Q. Okay.

3 The second row that says,  
4 "Attempted Non-Consensual Penetration," {sic}  
5 that's attempted rape; yes?

6 A. Yes.

7 Q. And for 2017, it was .00003 percent  
8 of total trips; correct?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: That's what it says,  
11 yes.

12 BY MR. LOVE:

13 Q. And then the last column before the  
14 total says, "Non-Consensual Sexual  
15 Penetration," and that is completed rape;  
16 correct?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: Yes.

19 BY MR. LOVE:

20 Q. And the percentage trips in 2017 was  
21 -- is .00002 percent; correct?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: That's what it --  
24 sorry. That's what it says.

25 BY MR. LOVE:

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1 Q. So the two of them together, those  
2 two categories, would be .00005 percent of  
3 trips in 2017; correct?

4 MS. LUHANA: Objection to form.

5 THE WITNESS: Yes.

6 BY MR. LOVE:

7 Q. And if you go to 2018, the total of  
8 those two categories would be .00004 percent?

9 MS. LUHANA: What -- what's the  
10 question?

11 THE WITNESS: Yes.

12 MS. LUHANA: Objection to form.

13 THE WITNESS: Yes.

14 BY MR. LOVE:

15 Q. You would agree that that's much,  
16 much, much lower than 17 percent; correct?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: These -- comparing  
19 these stats, I -- I -- I won't do, because  
20 they're not meaningful.

21 BY MR. LOVE:

22 Q. Dr. Valliere, I am simply asking a  
23 straightforward math question. .00004 percent  
24 is much less than 17 percent; yes?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: Well, you're asking  
2 a math question in the context of incident  
3 rates of sexual assault, and there's no way to  
4 compare those two numbers.

5 MR. LOVE: Understood that that's  
6 your opinion.

7 BY MR. LOVE:

8 Q. But now I'm going to ask just a math  
9 question outside of that context.

10 Taking it completely on its own as  
11 an individual question, 17 percent is much  
12 higher than .00004 percent; correct?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: We cannot take it  
15 out of the context and -- and make this simple  
16 math.

17 So if this was zero context at  
18 all, then you're right about the numbers. But  
19 it is not zero context, it's a way to try to  
20 get me to agree that Uber has less of an  
21 incident rate than RAINN states that there is.  
22 And they're apples and oranges in terms of the  
23 numbers.

24 BY MR. LOVE:

25 Q. Well, Dr. Valliere, I'm not



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1 attempting to do anything. I took the  
2 question out of context so that you could  
3 answer it without having to agree to that  
4 context, and that is the purpose of my  
5 questions, which is why I've been trying to  
6 clarify them for you.

7 When I say that something is out  
8 of context, that means the question is taken  
9 out of context. So when I ask you a simple  
10 math question, I'm just looking for a simple  
11 answer just to that math question. I'm not  
12 trying to trick you here; okay?

13 A. Well, I -- I'm sorry, respectfully,  
14 that's not okay, 'cause it is a trick, because  
15 there's no reason for you to ask that question  
16 out of the context of my report and my  
17 contention that the Rideshare is -- is right.

18 And comparing all rides and -- and  
19 putting sexual assault of -- of women in the  
20 context of every single Uber ride is just  
21 ingenuous. It's -- it's just simply  
22 ingenuous, because the risks are not equal  
23 between rides whatsoever.

24 MR. LOVE: Okay.

25 BY MR. LOVE:

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1 Q. The -- the RAINN statistic is how  
2 many women have experienced sexual assaults as  
3 to the number of how many women are in the  
4 country; correct?

5 MS. LUHANA: Objection to form.

6 MR. LOVE: Withdrawn.

7 BY MR. LOVE:

8 Q. The RAINN statistic is how many women  
9 have experienced attempted or completed rape  
10 in their lifetime as compared to the number of  
11 women in the United States; correct?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: Well, first of all,  
14 let's talk about that it's reported rapes.

15 MR. LOVE: Sure.

16 THE WITNESS: Not actual rapes.

17 And second of all, that's why I  
18 won't agree that the average woman has a  
19 17 percent chance of being raped, because the  
20 chance of being raped for any woman rises and  
21 falls with a whole bunch of different other  
22 factors.

23 So statistics, by just saying, you  
24 know, 17 percent is not as meaning -- is -- is  
25 not applicable to -- to these stats with every

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1 single ride.

2 Uber rides include rides that are  
3 zero risk of sexual assault at all.

4 MR. LOVE: Okay. But that's not  
5 my question. It's a very straightforward  
6 question.

7 BY MR. LOVE:

8 Q. This statistic right here from RAINN,  
9 1 in 6 U.S. women, compares the number of  
10 women that have experienced attempted or  
11 completed rape in their lifetime in the United  
12 States to the number of women in the United  
13 States; correct?

14 MS. LUHANA: Objection to the  
15 form.

16 THE WITNESS: That's my  
17 understanding of that statistic.

18 MR. LOVE: Okay.

19 BY MR. LOVE:

20 Q. And in the Safety Report, these  
21 numbers represent the number of reports of  
22 attempted and completed rape as to the number  
23 of completed rides for the year; correct?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: This is -- this is

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1 what you're not understanding. The frequency  
2 of women getting raped includes women who are  
3 raped by partners and fathers and people in  
4 relationships.

5 The applicable statistic would be  
6 how many women in the United States get raped  
7 by complete strangers in a high-risk situation  
8 versus how many women get raped by a lone male  
9 driver in an Uber.

10 MR. LOVE: Okay. Dr. Valliere,  
11 I'm going to move to strike that as  
12 nonresponsive. It didn't answer my question.  
13 My question is very straightforward. Please  
14 focus on my question and provide an answer for  
15 my question.

16 BY MR. LOVE:

17 Q. My question --

18 MS. LUHANA: That's improper to  
19 move to strike the testimony.

20 MR. LOVE: I'm sorry?

21 MS. LUHANA: It's improper to move  
22 to strike the testimony.

23 MR. LOVE: I -- I disagree. Okay.

24 MS. LUHANA: Judge Cisneros ruled  
25 on that.

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1 (Court Reporter Clarification.)

2 MS. LUHANA: Judge Cisneros has  
3 issued an order stating that it's improper to  
4 move to strike testimony in -- in a  
5 deposition.

6 MR. LOVE: If that's the case, I  
7 was unaware.

8 BY MR. LOVE:

9 Q. In any case, my question is very  
10 simple. I -- I just want to know if your  
11 understanding of this chart here is that it's  
12 comparing the number of reports for the row  
13 that says, "Attempted Non-Consensual Sexual  
14 Penetration," it's comparing the number of  
15 attempted rapes to the number of completed  
16 rides within 2017; yes or no?

17 MS. LUHANA: Objection to the  
18 form.

19 THE WITNESS: I need to reread  
20 your question.

21 (Pause.)

22 THE WITNESS: That's what your  
23 chart shows, yes.

24 BY MR. LOVE:

25 Q. And then for the last row, it's

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1 comparing the reports of rape -- of completed  
2 rape to the number of completed rides for  
3 2017?

4 MS. LUHANA: Objection to the  
5 form.

6 THE WITNESS: And this is in the  
7 world, you said?

8 MR. LOVE: No. I don't believe  
9 so. I believe this -- no, it's not. This --  
10 if you scroll to the --

11 MS. LUHANA: The prior question  
12 said "the world," if that's...

13 MR. LOVE: If -- if I misspoke,  
14 then I misspoke. My apologies. This is the  
15 Safety Report for just the United States, so  
16 it would just be the United States.

17 BY MR. LOVE:

18 Q. Is it your understanding that --  
19 well, let me clarify now.

20 Is it your understanding that the  
21 second row under column 2017 compares the  
22 reports of attempted rape to the total rides  
23 completed within the United States in 2017?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: Yes.

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1 MR. LOVE: Okay.

2 BY MR. LOVE:

3 Q. And is it your understanding of this  
4 chart that the last row that says  
5 "Non-Consensual Sexual Penetration" compares  
6 completed -- reports of completed rape to the  
7 number of completed rides within the United  
8 States for the year of 2017?

9 MS. LUHANA: Objection to the  
10 form.

11 THE WITNESS: Yes, that's what it  
12 says.

13 BY MR. LOVE:

14 Q. And the same goes for the 2018  
15 column; right?

16 MS. LUHANA: Objection. Objection  
17 to form.

18 THE WITNESS: Yes.

19 MR. LOVE: Okay. We can -- we can  
20 pull this down or put this aside.

21 BY MR. LOVE:

22 Q. You've reviewed the 2019 to 2020  
23 Safety Report as well?

24 A. Yes.

25 Q. And you know there's a similar chart

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1 in there; right?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: Correct.

4 BY MR. LOVE:

5 Q. And you would agree that the rows in  
6 that chart are the same, do the same thing as  
7 the rows in -- in the chart from that report  
8 that we just looked at; right?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: I think so, yes.

11 BY MR. LOVE:

12 Q. And the same goes for the 2021-2022  
13 report?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: Yes.

16 MR. LOVE: Okay.

17 BY MR. LOVE:

18 Q. Rates of sexual violence generally  
19 have been steadily rising in the United States  
20 throughout the last decade; correct?

21 MS. LUHANA: Objection to form.

22 Hypothetical.

23 THE WITNESS: When you said rapes  
24 of sexual -- just sexual assault in general?  
25 Is that what you're saying? I'm sorry.



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1 BY MR. LOVE:

2 Q. Rates of sexual violence have been  
3 steadily rising in the U.S. through the last  
4 decade?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: I don't know if it's  
7 been steadily rising, but it has been rising.

8 MR. LOVE: Okay.

9 BY MR. LOVE:

10 Q. And global statistics demonstrate the  
11 same trend; right?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: Yes, I believe so.

14 BY MR. LOVE:

15 Q. And rates got worse during the COVID  
16 pandemic?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: Rates of reporting  
19 definitely got worse, rates of reported sexual  
20 assault.

21 BY MR. LOVE:

22 Q. Sorry, to clarify, do you mean there  
23 were more reports?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: I believe there were

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1 more reports, which suggest that the overall  
2 rate also rose.

3 MR. LOVE: Okay.

4 BY MR. LOVE:

5 Q. Now, you're aware that between 2017  
6 and 2024, the rate of sexual assault and  
7 misconduct in Uber rides went down; correct?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: That is not my  
10 understanding.

11 MR. LOVE: Okay.

12 BY MR. LOVE:

13 Q. Do you remember giving trial  
14 testimony in September?

15 A. I do.

16 Q. And you were discussing rates and you  
17 said my colleague corrected you in her  
18 deposition?

19 MS. LUHANA: Objection to form.

20 Counsel, is there something you  
21 want to show her?

22 BY MR. LOVE:

23 Q. Do you remember that, Dr. Valliere?

24 A. I believe you're taking that out of  
25 context.

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1 Q. Okay.

2 A. So we can look at it.

3 MR. LOVE: Yep. Can we pull up  
4 Tab 17, please. And we'll mark that as  
5 Exhibit -- Exhibit 11.

6 (Whereupon, a document was marked,  
7 for identification purposes, as Exhibit 11.)

8 MS. DELANEY: It's loading. It  
9 might take a moment since there are so many  
10 pages.

11 MR. LOVE: Understood.

12 BY MR. LOVE:

13 Q. Let me ask you this:

14 Are you aware that the number of  
15 sexual assaults -- reported sexual assaults  
16 and sexual misconduct in Uber rides went down  
17 between 2017 and 2024?

18 MS. LUHANA: Objection to form.

19 THE WITNESS: I believe I have a  
20 chart in my report that I can review capturing  
21 that, if you'd like me to review that. But we  
22 would probably have to compare what she  
23 corrected in my deposition testimony as well,  
24 because that was the misstatement. It was  
25 about the number of categories, to my

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1 recollection.

2 MR. LOVE: Okay. Well, we'll take  
3 a look at your --

4 MS. LUHANA: What page?

5 MR. LOVE: One second. It hasn't  
6 come up for me.

7 Okay. It's page 834.

8 MS. LUHANA: Okay, but 834...

9 MR. LOVE: Lines 2 to 17.

10 (Whereupon, the witness reviews  
11 the exhibit.)

12 MS. LUHANA: So you could, Doctor,  
13 scan through whatever you want to, the  
14 testimony to understand it.

15 THE WITNESS: I would probably  
16 need to see my deposition to have the full  
17 context.

18 MS. LUHANA: Yeah.

19 BY MR. LOVE:

20 Q. Well, Dr. Valliere, it says -- so the  
21 -- the top question on line 2 says:

22 "QUESTION: And for example, you  
23 told us that having reviewed all of the stuff  
24 that came to you from the lawyers, you were of  
25 the view that the documents showed that

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1 between 2017 and 2024, the rate of sexual  
2 assault and sexual misconduct in Ubers was  
3 increasing.

4 "Do you remember telling us that?"

5 And you answered, "Right. And you  
6 corrected me on that during the deposition.  
7 So it's really been going up since the  
8 pandemic again after all the safety features  
9 were institute."

10 Did I read that correctly?

11 A. You read it correctly.

12 Q. Okay.

13 And then my colleague asked you:

14 "QUESTION: You told us in your  
15 deposition that you understand -- that your  
16 understanding of the numbers discussed in  
17 these depositions and the documents was an  
18 increase from 2017 to 2024. And that's not  
19 right; right?"

20 And you answered, "You're right.  
21 I was incorrect in my deposition. I fixed it  
22 since."

23 Correct?

24 A. Correct.

25 Q. Okay.

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1                   So the numbers of sexual assault  
2     between 2017 and 2024 in Ubers was not going  
3     up; correct?

4                   MS. LUHANA: Objection to form.

5                   THE WITNESS: It went down during  
6     the pandemic.

7     BY MR. LOVE:

8           Q.     And that's when you said that rates  
9     were going up in the country; right?

10                  MS. LUHANA: Objection to form.

11                  THE WITNESS: Right. They're  
12     going -- they're in -- they're increasing  
13     steadily since the pandemic.

14                  MR. LOVE: That -- that wasn't my  
15     question.

16                  I'm asking now about the -- the  
17     U.S. statistic which you testified to a moment  
18     ago.

19     BY MR. LOVE:

20           Q.     And you said that during -- during  
21     the COVID pandemic, the statistics of reported  
22     assaults went up; correct?

23                  MS. LUHANA: Objection to form.

24                  THE WITNESS: Right. Like I said  
25     in my testimony, I included the pandemic in

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1 that -- that timeframe, and I was wrong about  
2 that. Right.

3 MR. LOVE: Okay.

4 BY MR. LOVE:

5 Q. You issued an addendum to your report  
6 on October 10th, 2025; correct?

7 A. Yes.

8 Q. And counsel for plaintiffs asked you  
9 to write that up; right?

10 A. They --

11 MS. LUHANA: Object to form.

12 Are you -- are you getting into  
13 communications with counsel?

14 MR. LOVE: No, I'm just asking if  
15 it was requested, which would be her  
16 directive.

17 MS. LUHANA: I mean, I think we  
18 can go through the addendum and she can answer  
19 the question.

20 MR. LOVE: Right. We're going to.

21 BY MR. LOVE:

22 Q. But did counsel ask you to write that  
23 addendum?

24 MS. LUHANA: Objection.

25 THE WITNESS: They provided new

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1 and updated information, as I requested in my  
2 report, which added to my opinion,  
3 supplemented my opinion, and instead of  
4 modifying my report to add that new  
5 information, I wrote an addendum.

6 MR. LOVE: Understood.

7 BY MR. LOVE:

8 Q. How did you decide which materials to  
9 review?

10 A. It was a deposition with -- a  
11 relevant deposition with exhibits that were  
12 provided to me because they were taken.

13 Q. And you reviewed that because -- only  
14 because plaintiffs provided it to you?

15 MS. LUHANA: Objection to form.  
16 That's not what she said.

17 MR. LOVE: I'm -- I'm asking.

18 MS. LUHANA: Oh.

19 MR. LOVE: I didn't say that's  
20 what she said.

21 BY MR. LOVE:

22 Q. Did you review that just because  
23 plaintiff -- withdrawn.

24 Did plaintiff provide you any  
25 other documents other than the deposition and



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1 exhibits to that deposition?

2 A. Not to my recollection. It was -- it  
3 was a brand new deposition that was taken with  
4 all the exhibits that was relevant to the  
5 scope of my opinion in my report.

6 Q. Okay.

7 Did you ask counsel to search for  
8 communications with the National Sexual  
9 Violence Resource Center?

10 MS. LUHANA: Objection to the  
11 form. You're getting into communications with  
12 us and that's improper, counsel.

13 MR. LOVE: I'm just asking if she  
14 requested documents, which goes to her -- the  
15 credibility of her opinion and what she  
16 reviewed.

17 BY MR. LOVE:

18 Q. I'm not asking you to get into any  
19 substantive communications with your counsel.  
20 I -- I don't want to know what you guys talked  
21 about.

22 I'm just asking, did you request  
23 specific documentation from plaintiffs'  
24 counsel, and the category that I asked about  
25 was National Sex -- communications with the

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1 National Sexual Violence Resource Center.

2 Did you ask for any of those  
3 communications?

4 MS. LUHANA: Counsel, is this just  
5 for the addendum or the whole report?

6 MR. LOVE: The addendum.

7 THE WITNESS: I think in my  
8 ongoing request in my methodology is that I  
9 would be apprised of any new information that  
10 was relevant to the scope of my opinion, pro  
11 or against my opinion.

12 MR. LOVE: Sure.

13 BY MR. LOVE:

14 Q. But did you specifically ask for  
15 communications with the National Sexual  
16 Violence Resource Center?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: I did not  
19 specifically ask for those documents. I --  
20 that was provided as evidence in the whole  
21 deposition, which was relevant to the scope of  
22 my opinion.

23 BY MR. LOVE:

24 Q. Did you ask if the -- well, okay.

25 Did you ask if there was

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1 communications between Uber and Karen Baker?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: I did not get into,

4 like I keep saying, information that's

5 relevant to the scope of my opinion. I did

6 not go through every single person,

7 everything, single type of communication.

8 I think that broad category of

9 inclusivity to the scope of my opinion was

10 sufficient.

11 MR. LOVE: Okay.

12 BY MR. LOVE:

13 Q. So you said your continuing request

14 asked for any documents that were relevant to

15 your opinion, whether they were for or against

16 that opinion; right?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: Right. In -- and

19 that's part of my methodology.

20 MR. LOVE: Okay.

21 BY MR. LOVE:

22 Q. In your addendum, you talk about a

23 document that is a chat between two Uber

24 employees.

25 Do you recall that?

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1           A.     Yes, but I can review it if you have  
2     it pulled up.

3                   MR. LOVE:   Let's pull up Tab 26.  
4     And we'll mark this as Exhibit 12.

5                   (Whereupon, a document was marked,  
6     for identification purposes, as Exhibit 12.)

7     BY MR. LOVE:

8           Q.     And while that's going on,  
9     Dr. Valliere, when you say that's been a  
10    continuing request, when did you first put  
11    that request in your methodology?

12                   MS. LUHANA:   Objection to form.

13    BY MR. LOVE:

14           Q.     In other -- in other words, did you  
15    include that request for documents in the  
16    draft of your JCCP report?

17                   MS. LUHANA:   Objection to form.  
18    Now you're getting into draft reports.   That's  
19    possible that it's counsel.

20                   MR. LOVE:   Apologies.   I didn't  
21    mean draft.

22    BY MR. LOVE:

23           Q.     Did -- did you report -- did you  
24    ask -- put that request in your methodology in  
25    your JCCP report?

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1 A. I do --

2 MS. LUHANA: Objection to -- to  
3 form.

4 THE WITNESS: I do not think I was  
5 specific about my methodology in the JCC  
6 report as I was in this one.

7 BY MR. LOVE:

8 Q. Did you have a continuing request to  
9 counsel to give you any relevant documents?

10 MS. LUHANA: Objection to form.

11 THE WITNESS: It -- it was  
12 understood that I would -- I would add any  
13 relevant things, and I did produce an addendum  
14 in that report as well.

15 BY MR. LOVE:

16 Q. My question is just did -- did you  
17 ask counsel to give you any relevant documents  
18 that came up throughout the course of -- of  
19 the case?

20 MS. LUHANA: Objection to the  
21 question and to the extent you're getting into  
22 communications now with other counsel outside  
23 the MDL.

24 MR. LOVE: Again, not asking for  
25 substantive communications with Dr. Valliere.

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1 I --

2 MS. LUHANA: She -- she --

3 MR. LOVE: I'm just clarifying for  
4 the witness. I wasn't -- I wasn't arguing  
5 with you.

6 BY MR. LOVE:

7 Q. Dr. Valliere, I'm not asking you for  
8 any substance of the conversations. I just  
9 want to know -- I'm just trying to ask if you  
10 had a similar outstanding request for relevant  
11 documents, like were you seeking relevant  
12 documentation to your opinions since you  
13 produced a report in the JCCP?

14 MS. LUHANA: Objection to the  
15 form.

16 THE WITNESS: If things came up  
17 that could impact my opinion, it's understood  
18 that I would take that into consideration.

19 MR. LOVE: Right. Understood.

20 BY MR. LOVE:

21 Q. I'm asking now, was it understood by  
22 counsel that they would give that to you?

23 MS. LUHANA: Objection. Objection  
24 to form.

25 And as you are aware, counsel, the

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1 JCCP report was a narrow time period, so I...

2 MR. LOVE: Sure.

3 MS. LUHANA: Have you -- yeah.

4 THE WITNESS: I'm sorry, I can't  
5 speak to what other people understand.

6 (Overlapping Speakers.)

7 MR. LOVE: Right. Maybe -- maybe  
8 I can explain -- maybe I can explain a little  
9 better.

10 BY MR. LOVE:

11 Q. I'm -- I'm -- I understand that you  
12 would absolutely include anything relevant  
13 that you received, but I'm trying to get at do  
14 you know if you received everything relevant?

15 So was there a -- an outstanding  
16 request -- you said there's an outstanding  
17 request to counsel for any relevant  
18 documentation in your MDL report.

19 I'm just asking if there was also  
20 any outstanding request to counsel when you  
21 wrote your JCCP report for any relevant  
22 documentation?

23 MS. LUHANA: Objection to form and  
24 outside the scope of this litigation as well.

25 THE WITNESS: Yeah. I -- all I

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1 can say is it's just my understanding if -- if  
2 the -- if there was more to substantiate or  
3 contradict the focus in my report or what I  
4 addressed that was substantive to my opinion,  
5 I would get it.

6 MR. LOVE: Okay.

7 BY MR. LOVE:

8 Q. Looking at Exhibit 12, are you aware  
9 that this document was produced in August of  
10 2024?

11 A. I don't know when it was produced.

12 Q. So I'll represent to you that this  
13 was produced in August of 2024, over a year  
14 ago, and you did not receive it before this  
15 addendum; correct?

16 MS. LUHANA: Objection to form.

17 THE WITNESS: I -- I'm not sure.  
18 I don't know if I did or didn't.

19 BY MR. LOVE:

20 Q. Well, you hadn't cited it in any of  
21 your reports before this addendum; correct?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: That's right. It --  
24 it may not have crossed my mind or been as  
25 salient to me to think about this in my first



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1 report.

2 BY MR. LOVE:

3 Q. But you had it?

4 MS. LUHANA: Objection to form.

5 THE WITNESS: I don't know. Oh,  
6 I'm sorry.

7 BY MR. LOVE:

8 Q. And now that you -- withdrawn.

9 So it -- it may not have been as  
10 salient to you until you wrote this addendum;  
11 is that -- is that what you're saying?

12 MS. LUHANA: Objection to form.  
13 Misstates her testimony.

14 MR. LOVE: Again, didn't state  
15 testimony. I asked a question.

16 THE WITNESS: It -- it -- there  
17 are a number of things that affected my  
18 attention to this, not only the deposition,  
19 but the -- my experience at the JCCP trial and  
20 how Uber had been utilizing partnerships to,  
21 again, change the psychology of their users.  
22 And that became more apparent during trial, so  
23 I focused more on addressing it in my  
24 subsequent report.

25 BY MR. LOVE:

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1 Q. But you didn't address it in your  
2 subsequent report; correct?

3 A. I did.

4 Q. You didn't address this document in  
5 your subsequent report; correct?

6 A. I addressed the partnership and the  
7 relationship. I don't -- I don't know if I  
8 addressed this particular document.

9 Q. Well, it's not on your Materials  
10 Considered list for your initial report;  
11 right?

12 A. It -- it may not be. It may be.

13 But it was in my addendum because  
14 I attended to it more, given the testimony and  
15 the deposition.

16 Q. Okay.

17 If you could scroll down to  
18 page -- the last page of this document.

19 MS. LUHANA: Page 7?

20 MR. LOVE: Yes.

21 BY MR. LOVE:

22 Q. You cite this in your document and  
23 your -- apologies, in your addendum and quote,

24 [REDACTED]

25 [REDACTED] {sic}; correct?

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1 MS. LUHANA: Objection. Misstates  
2 her addendum, her opinion.

3 THE WITNESS: I'm sorry, where do  
4 you -- is this in my report, are you saying,  
5 or my addendum?

6 BY MR. LOVE:

7 Q. In your addendum, you quoted this  
8 document; correct?

9 A. Let me review and I'll tell you  
10 where.

11 Q. Well, Dr. Valliere, first of all,  
12 please don't review any documents that I have  
13 not asked you to review.

14 MS. LUHANA: Counsel, you're  
15 asking her a question about her addendum. She  
16 wants to review her addendum and you asked her  
17 to review it. You said it.

18 MR. LOVE: I did not ask her to  
19 review the addendum, and if she would like to,  
20 she can ask, and I will of course give her the  
21 opportunity.

22 But right now, I'm just asking if  
23 you used this document in your addendum.

24 BY MR. LOVE:

25 Q. Do you need to review your addendum

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1 to know whether you relied on this document?

2 A. I do need to look at it specifically  
3 to make sure that you're accurately  
4 representing my addendum versus my report.

5 Q. Okay.

6 MR. LOVE: Let's pull up Dr.  
7 Valliere's addendum and enter it. It's  
8 Tab 23, and we will enter it as Exhibit 13.

9 (Whereupon, a document was marked,  
10 for identification purposes, as Exhibit 13.)

11 MR. LOVE: You can find this on  
12 page 2 of your addendum.

13 THE WITNESS: Okay.

14 BY MR. LOVE:

15 Q. So at the very bottom, do you see  
16 where you used this document, the last  
17 paragraph, about halfway through, you say, "In  
18 the chat, Mr. Maredia stated [REDACTED]

19 [REDACTED]

20 Do you see that?

21 A. Yes, I do.

22 Q. Okay.

23 So now if you could turn back to  
24 the document, itself. On the last page. It  
25 states, [REDACTED]

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1 [REDACTED] {sic}; right?

2 A. Yes.

3 Q. Okay.

4 Your belief is that [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED]; right?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: That is how I  
9 interpreted it, yes.

10 BY MR. LOVE:

11 Q. And it's your understanding that  
12 after this ask, [REDACTED]

13 [REDACTED]; correct?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: I'm sorry, I don't  
16 know what [REDACTED].

17 BY MR. LOVE:

18 Q. Okay.

19 In your report, at page 2, same  
20 paragraph, last sentence, you write, [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED]

25 So is it your -- withdrawn.

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MS. LUHANA: Objection to the form.

THE WITNESS: It is my understanding that [REDACTED], and I believe it's also in the deposition.

MR. LOVE: Okay.

BY MR. LOVE:

Q. According to this document, Exhibit 12, [REDACTED]; right?

MS. LUHANA: Objection to form.

THE WITNESS: According to what this text says, yes.

BY MR. LOVE:

Q. Nothing in the document suggests that [REDACTED]; right?

MS. LUHANA: Objection to form.

THE WITNESS: I'd have to review the whole document. I'm not sure, off the top of my head.

BY MR. LOVE:

Q. Okay.

You don't recall anything -- well,

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1 you didn't write anything in your addendum  
2 about [REDACTED]; right?

3 MS. LUHANA: Objection to form.

4 THE WITNESS: Again, I -- if  
5 you're referring to that specific paragraph,  
6 no, I did not. But I didn't -- I don't know  
7 if I mentioned it anywhere else in my whole  
8 addendum.

9 BY MR. LOVE:

10 Q. And then in your addendum, in that  
11 paragraph, the first sentence says, [REDACTED]

12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

16 MS. LUHANA: Objection.

17 Counsel, should we go back to the  
18 addendum again? We have the document up for  
19 the chat.

20 MR. LOVE: Sure. I'm -- I was  
21 just reading from her report.

22 MS. LUHANA: Do you have -- I  
23 just -- so where are you reading from?

24 MR. LOVE: The same paragraph,  
25 first sentence.

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1 MS. LUHANA: Okay. Sorry. Go  
2 ahead.

3 BY MR. LOVE:

4 Q. What are you relying on to say that

5 [REDACTED]

6 [REDACTED]

7 MS. LUHANA: Objection to form.

8 THE WITNESS: The other exhibits  
9 and the citations I made.

10 BY MR. LOVE:

11 Q. But none of those documents actually

12 say, [REDACTED]

13 [REDACTED]; correct?

14 A. I believe that I refer to numerous  
15 other statements about that in my addendum.

16 Q. And --

17 A. About public posts and whether or not  
18 the nonprofits were all in.

19 So this one paragraph doesn't  
20 represent the full analysis.

21 Q. Sure. Sure.

22 But nothing in your addendum  
23 quotes a sentence where Uber says, [REDACTED]

24 [REDACTED]

25 [REDACTED]



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1 right?

2 MS. LUHANA: Object to the form of  
3 the question.

4 THE WITNESS: I would have to  
5 read, because I believe it does outline -- my  
6 whole addendum does outline documents that  
7 say -- that talk about tweets and talk about  
8 statements and talk about whether the  
9 nonprofits were in and whether they would  
10 adopt media statements, and [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED]  
12 [REDACTED] [REDACTED]

13 BY MR. LOVE:

14 Q. Let me put it this way.

15 If there was a statement that  
16 said that -- from Uber [REDACTED]  
17 [REDACTED] [REDACTED] [REDACTED], you certainly would  
18 have quoted that in your addendum; right?

19 MS. LUHANA: Objection to the form  
20 of the question.

21 THE WITNESS: If it was that black  
22 and white, yes. But I think my addendum  
23 outlines pretty elaborately [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED]  
25 [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 And the whole point of my addendum  
4 was to talk about how Uber used these  
5 partnerships to, again, foster a sense of  
6 trust with their riders while not revealing  
7 that these relationships could be potentially  
8 viewed as compromised and allow the consumer  
9 to weigh for themselves the weight of these  
10 endorsements.

11 BY MR. LOVE:

12 Q. You're not insinuating that these  
13 organizations would act against sexual assault  
14 victims, are you?

15 MS. LUHANA: Objection to form.

16 THE WITNESS: No. But what I  
17 would say is that in most professional  
18 relationships, including mine, when I go to  
19 trainings, that if I provide an endorsement or  
20 an opinion, I can't be conflicted in that  
21 opinion, financially or otherwise. And if I  
22 am, I have to reveal that. And Uber did not  
23 do that in these cases.

24 MR. LOVE: And we'll get to that  
25 in one moment.

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1 BY MR. LOVE:

2 Q. But you're also not saying that these  
3 organizations don't promote safety for women;  
4 right?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: I'm talking about  
7 Uber in my opinion, not these organizations.

8 BY MR. LOVE:

9 Q. So the answer to my question is yes,  
10 you are not insinuating or saying that these  
11 organizations do not promote safety for women?

12 MS. LUHANA: Objection to form.  
13 Misstates her response.

14 THE WITNESS: It -- well,  
15 hopefully, if Uber has been as opaque with  
16 their behaviors and statistics with these  
17 organizations as they have with the rest of  
18 the public, they may inadvertently be  
19 endorsing something they don't believe in.

20 But I am not saying anything about  
21 the characteristics of these nonprofit  
22 organizations.

23 MR. LOVE: All right.

24 BY MR. LOVE:

25 Q. Now, you say that Uber did not

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1 disclose these payments; right?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: I'm saying the  
4 public is not aware that Uber's -- of how  
5 Uber -- how the -- the true nature of these --  
6 the relationship between Uber and these  
7 nonprofits and how Uber wrote and constructed  
8 certain content for them to endorse, et  
9 cetera.

10 MR. LOVE: Okay.

11 BY MR. LOVE:

12 Q. Turning to your addendum, do you have  
13 that open?

14 A. Yes.

15 Q. On page 2, the third paragraph down,  
16 or the second one after the bullets that  
17 starts "Unfortunately," that reads,  
18 "Unfortunately, Uber has not disclosed the  
19 financial arrangements it has -- has with  
20 these nonprofit advocacy groups to the public  
21 so the public is aware that of the" --  
22 sorry -- "that these are not impartial  
23 relationships but in fact paid relationships  
24 that require Uber approval."

25 Did I read that correctly?

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1 A. You did.

2 Q. Okay.

3 Now, you are aware that Uber  
4 actually made a public statement about the  
5 fact that they were paying these  
6 organizations; correct?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: What I'm aware of is  
9 that Uber promoted itself as contributing and  
10 donating to those organizations out of a  
11 concern for victims of sexual assault, not  
12 that they were managing and paying for their  
13 public statements or asking for permission for  
14 their public statements [REDACTED]  
15 [REDACTED] [REDACTED] [REDACTED].

16 BY MR. LOVE:

17 Q. So just to be clear, the payments  
18 that were made were disclosed to the public;  
19 yes?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: I do not believe  
22 they were portrayed as payments at all, but  
23 contributions or donations.

24 Payments, to me, implies service.  
25 Donations implies charity.

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1 BY MR. LOVE:

2 Q. In any case, they did make it public  
3 that they were giving money to these  
4 organizations; yes?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: Without --

7 MR. LOVE: With -- withdrawn.

8 Can we pull up Tab 24, please.

9 MS. LUHANA: And, counsel, we've  
10 been going for a while. When is our next  
11 break?

12 MR. LOVE: Yeah. We can go for a  
13 break in five minutes.

14 MS. LUHANA: Okay.

15 MR. LOVE: If you can hang on that  
16 long.

17 MS. LUHANA: Okay. We're going to  
18 another exhibit?

19 MR. LOVE: Yeah.

20 MS. LUHANA: Okay.

21 BY MR. LOVE:

22 Q. Do you have that exhibit,  
23 Dr. Valliere?

24 A. Not quite yet.

25 MR. LOVE: Okay.

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1 THE WITNESS: It should be up now.  
2 Now, it is, yeah.

3 (Whereupon, a document was marked,  
4 for identification purposes, as Exhibit 14.)

5 BY MR. LOVE:

6 Q. All right.

7 And you've seen this before;  
8 right?

9 A. Yeah.

10 Q. Okay.

11 Now, I just want to direct your  
12 attention to the very bottom of page 1, and  
13 that reads, "The \$5 million commitment over  
14 five years will fund program -- programmatic  
15 partnerships focused on prevention."

16 Did I read that correctly?

17 A. Absolutely.

18 Q. So Uber released a statement that  
19 says that they gave \$5 million to these  
20 organizations; yes?

21 A. I guess that's where -- where we part  
22 ways. I feel like this promotion shows that  
23 it's a no-strings-attached donation to fund  
24 efforts and initiatives for sexual assault  
25 victims. You referred to it as I would see it

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1 as payments. You used the word "payments." I  
2 agree it's payments for endorsements.

3 Q. I -- I understand your opinion about  
4 what these payments are and how they're  
5 advertised. But all I'm asking is, they said  
6 that they gave \$5 million from their hands to  
7 these organizations' hands; correct?

8 A. They -- they committed to fund  
9 prevention initiatives, right, not to get  
10 endorsements and have them sign off on public  
11 releases of statements.

12 Q. Okay.

13 MR. LOVE: We can take a break.  
14 Can we go off the record?

15 THE VIDEOGRAPHER: Going off the  
16 video record. The time is 2:29 p.m.

17 (Whereupon, a recess was taken at  
18 the above time.)

19 THE VIDEOGRAPHER: We are back on  
20 the video record. The time is 2:41 p.m.

21 This begins Media Unit No. 4.

22 BY MR. LOVE:

23 Q. Dr. Valliere, I just have a couple of  
24 follow-up questions and then we'll move on to  
25 a new topic.



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1                   You have represented defendants in  
2 civil litigation; right?

3                   MS. LUHANA: Objection to form.

4                   THE WITNESS: Yes.

5 BY MR. LOVE:

6           Q.     And you don't advertise that you get  
7 paid by defendants on your website; right?

8                   MS. LUHANA: Objection to form.

9                   THE WITNESS: I'm a little  
10 confused. I don't advertise that I get paid  
11 by anyone, I don't think.

12                  MR. LOVE: Right.

13 BY MR. LOVE:

14           Q.     So you don't disclose how much you  
15 get paid by a defendant company or  
16 organization on your website?

17                  MS. LUHANA: Objection to form.

18                  THE WITNESS: Not on my website,  
19 but during the times I'm giving opinions, I  
20 am.

21                  MR. LOVE: Sure.

22 BY MR. LOVE:

23           Q.     But you don't disclose your  
24 representation or a payment to any of your  
25 patients; right?

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1 MS. LUHANA: Object to form.

2 THE WITNESS: I'm -- I'm not sure  
3 I understand. My pat -- my patients pay me to  
4 give them services, and all I can say is I  
5 assume they know I get paid by anybody who  
6 hires me for my services.

7 BY MR. LOVE:

8 Q. But you don't tell your patients that  
9 you get hired by defense corporation --  
10 defendants in civil litigation -- withdrawn.

11 You do not tell any of your  
12 patients that you have represented defendants  
13 in civil litigation; correct?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: I don't tell my  
16 patients who I represent in any way, shape or  
17 form.

18 MR. LOVE: Okay.

19 BY MR. LOVE:

20 Q. And then you say that -- it's your  
21 opinion that if Uber had disclosed its  
22 partnerships with advocacy groups, that riders  
23 would take that into account when deciding  
24 whether or not to use Uber?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: That's not exactly  
2 what I said. I think they do disclose their  
3 partnerships. I think they banner their  
4 partnerships with survivor organizations to  
5 promote an idea that they're fully invested in  
6 women's safety.

7 I think the truth is not  
8 represented well in that these are  
9 [REDACTED]  
10 [REDACTED].

11 MR. LOVE: Understood.

12 BY MR. LOVE:

13 Q. To be clear, you have no studies that  
14 you cite that show that that has an effect on  
15 whether or not a consumer decides to use the  
16 corporation; correct?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: I don't think it  
19 needs a study. When I'm required -- for  
20 instance, when I train or give an opinion  
21 about something, I have to -- like, for  
22 instance, when I go and give a training for  
23 the DOJ, I have to disclose all my  
24 relationships that may or may not influence my  
25 opinion, so that the weight of my opinion is

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1 going to be judged by the train -- the  
2 trainees. And any potential conflict of  
3 interest out there in this exchange of  
4 information has to be announced.

5 MR. LOVE: But that's not my  
6 question.

7 BY MR. LOVE:

8 My question is, you do not have a  
9 survey that supports that consumers take that  
10 into account when deciding whether or not to  
11 use Uber; correct?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: I do not have a  
14 specific study, but it's clear that people  
15 weigh compromised relationships differently.

16 BY MR. LOVE:

17 Q. You did not conduct a systematic  
18 survey of Uber riders or sexual assault  
19 victims?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: About -- I have  
22 never conducted a study on Uber riders or  
23 drivers.

24 BY MR. LOVE:

25 Q. You would agree with me that some of

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1 the patients that you treat are from  
2 vulnerable populations; correct?

3 MS. LUHANA: Objection to form.

4 THE WITNESS: Absolutely.

5 BY MR. LOVE:

6 Q. And particularly, prior sexual  
7 assault victims are more vulnerable to sexual  
8 assaults; correct?

9 A. That is true. Being sexually  
10 assaulted raises your risk of being sexually  
11 assaulted again.

12 Q. And the same goes for children; they  
13 are at more -- an increased risk of sexual  
14 assault; correct?

15 MS. LUHANA: Object to form.

16 THE WITNESS: They're -- they're  
17 vulnerable.

18 BY MR. LOVE:

19 Q. And women as well?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: Women can be  
22 vulnerable, yes.

23 MR. LOVE: Okay.

24 BY MR. LOVE:

25 Q. So you do your best to create a safe

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1 environment for them in your business; right?

2 A. I do.

3 MS. LUHANA: Objection to form.

4 THE WITNESS: Oh, I'm sorry.

5 BY MR. LOVE:

6 Q. And when a patient first comes to  
7 you, you don't think that they're scared of  
8 being sexually assaulted; right?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: I can't agree with  
11 that.

12 MR. LOVE: Okay. Can we pull up  
13 Tab 30. And we'll mark this as Exhibit 15.

14 (Whereupon, a document was marked,  
15 for identification purposes, as Exhibit 15.)

16 BY MR. LOVE:

17 Q. While it's coming up, Dr. Valliere,  
18 you believe that your business comes with a  
19 reputation of trust; correct?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: I do.

22 And to modify my other answer, I  
23 do not believe that clients come in and expect  
24 to be sexually assaulted by my staff. But  
25 there are clients that come in with a

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1 generalized fear of being sexually assaulted,  
2 so...

3 MR. LOVE: Okay.

4 THE WITNESS: To clarify your  
5 question.

6 BY MR. LOVE:

7 Q. And there's an idea that if someone's  
8 a doctor, they're not going to sexually  
9 assault you; correct?

10 MS. LUHANA: Objection to form.

11 THE WITNESS: I believe that most  
12 people rely on professionalism and role and  
13 position and there's an inherent trust in  
14 that.

15 BY MR. LOVE:

16 Q. To be clear, your website does not  
17 include a warning that says, "Be careful. We  
18 treat sexual offenders next door"; right?

19 MS. LUHANA: Objection to form.

20 THE WITNESS: My website has both  
21 treatment programs, and we structure our hours  
22 so that there's no -- there's no overlap of  
23 victims and perpetrators.

24 MR. LOVE: That wasn't --

25 THE WITNESS: But I don't

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1 specifically have that banner.

2 MR. LOVE: Okay.

3 BY MR. LOVE:

4 Q. You don't -- you don't have any  
5 warning that there are sexual offenders  
6 treated at your practice; correct?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: We inform people  
9 around us that we provide violent offender  
10 treatment, but I don't have a banner on my  
11 website.

12 BY MR. LOVE:

13 Q. You do put on your website that you  
14 treat vulnerable -- vulnerable populations;  
15 right?

16 MS. LUHANA: Object to form.

17 THE WITNESS: I'm -- in terms of  
18 women and children or -- I'm not -- I don't  
19 know if I have the specific term "vulnerable  
20 population" on my website. I'm not sure.

21 MR. LOVE: Sure.

22 BY MR. LOVE:

23 Q. You say that you treat children;  
24 right?

25 A. Right.



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1 Q. You say that you treat women?

2 A. Correct.

3 Q. You say that you treat victims in  
4 sexual assaults?

5 A. Yes.

6 Q. And sexual offenders could see your  
7 website; right?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: I guess, presumably,  
10 some of them may who have been in treatment.

11 BY MR. LOVE:

12 Q. Particularly the ones that are  
13 treated right next door; right?

14 MS. LUHANA: Object to form.  
15 Hypothetical.

16 THE WITNESS: That's theoretical.  
17 We -- I mean, we do not allow the offenders we  
18 treat on the Internet, so it would be hard for  
19 them to see that.

20 BY MR. LOVE:

21 Q. None of the offenders that you treat  
22 have access to Internet?

23 A. Correct. To our knowledge. They  
24 may, but they're not allowed to.

25 Q. Okay.

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1                   And that -- that -- your  
2     website -- those announcements on your website  
3     can tell a sexual offender where there are  
4     more victims; right?

5                   MS. LUHANA: Objection to form.

6                   THE WITNESS: An offender would  
7     never come to my program seeking victims.  
8     There's too much supervision, there's too many  
9     consequences. They know they'll be reported.  
10    There's never a time when the victim or  
11    somebody vulnerable would be unsupervised and  
12    unprotected.

13                   So it's not even close to my point  
14    about Uber advertising and marketing to women  
15    or parties that market to women or other  
16    environments that specifically provide an  
17    unsupervised and unsequenced environment  
18    for sexual assault.

19    BY MR. LOVE:

20           Q.     Your addresses are published on your  
21    website; right?

22           A.     Right.

23           Q.     And Uber drivers, they don't identify  
24    themselves as sexual offenders; right?

25                   MS. LUHANA: Objection to form.

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1 THE WITNESS: I don't understand.

2 BY MR. LOVE:

3 Q. You do not --

4 A. Do they --

5 Q. You have not heard of one example  
6 where a -- an Uber driver has represented or  
7 identified themselves as a sexual offender  
8 themselves; correct?

9 MS. LUHANA: Object to form.

10 THE WITNESS: Like when they  
11 applied for their job or...

12 MR. LOVE: At any point in time.

13 THE WITNESS: Oh, I have no idea.

14 MR. LOVE: Right.

15 BY MR. LOVE:

16 Q. You have not seen a single example of  
17 any Uber driver ever representing that they  
18 were a sexual offender; correct?

19 MS. LUHANA: Objection to form.

20 THE WITNESS: No. I just have  
21 seen Uber drivers that have prior reports of  
22 sexual assault or sexual misconduct that  
23 continue on the platform.

24 BY MR. LOVE:

25 Q. You treated a man who you refer to in

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1 your book as Richard. Do you know who I'm  
2 talking about?

3 A. Can you give me some more details,  
4 please?

5 Q. Sure.

6 He was a pedophile that worked at  
7 a carnival. Does that ring a bell?

8 A. I think. I think so, yeah.

9 Q. Okay.

10 He used his position at the  
11 carnival to meet young boys; right?

12 A. Right.

13 Q. Between 10 and 12?

14 A. Yes.

15 Q. And he would sexually assault them?

16 A. Right.

17 Q. And you treated him; right?

18 A. Correct.

19 Q. And as you were treating him, you  
20 noticed that he was doing well?

21 A. I think I described that, yes. He  
22 started improving.

23 Q. Right.

24 He cleaned up; yeah?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: Right.

2 BY MR. LOVE:

3 Q. He got a job?

4 MS. LUHANA: Objection to form.

5 THE WITNESS: Correct.

6 BY MR. LOVE:

7 Q. He stopped wearing clothes that he  
8 was wearing to attract children?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: Yes, he did.

11 BY MR. LOVE:

12 Q. And to be clear, he stopped wearing  
13 those clothes because you confiscated them;  
14 right?

15 MS. LUHANA: Objection to form.

16 THE WITNESS: Right. And it was  
17 against the rules, correct.

18 BY MR. LOVE:

19 Q. And so you assigned him to help with  
20 a new group member?

21 A. Right.

22 Q. What was the help that you thought  
23 Richard could provide?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: Richard was further

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1 along in the program and knew some of the  
2 concepts and issues that he could help this  
3 individual with.

4 BY MR. LOVE:

5 Q. Was this like a mentorship situation?

6 MS. LUHANA: Objection to form.

7 THE WITNESS: I wouldn't call it  
8 that, but this guy had trouble reading and  
9 writing, and -- and so he was helping him out.

10 MR. LOVE: Okay.

11 BY MR. LOVE:

12 Q. How long had you been treating  
13 Richard at this point when you assigned him to  
14 help out?

15 MS. LUHANA: Objection to form.

16 And, Doctor, do you -- do you  
17 recall this situation that you can testify to  
18 it?

19 THE WITNESS: I do.

20 MS. LUHANA: Okay.

21 THE WITNESS: This was at the very  
22 beginning of when I started taking over the  
23 program, so I personally was underneath the  
24 program supervisor at that point and had been  
25 working with him, not personally for very

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1 long, but his therapist had been the leader of  
2 the program.

3 So I'm not sure how long he was in  
4 before I became involved.

5 BY MR. LOVE:

6 Q. How many meetings did you have with  
7 him?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: Oh, I have no --

10 MS. LUHANA: She said she doesn't  
11 recall.

12 THE WITNESS: Yeah, I have no  
13 idea. This was in like 1993 or something.

14 BY MR. LOVE:

15 Q. How did you assign Richard to this  
16 new patient?

17 A. It was --

18 MS. LUHANA: Objection to form.

19 THE WITNESS: It was a team  
20 decision that we just said, Richard, maybe you  
21 can help this guy out. It wasn't a formal  
22 assignment.

23 BY MR. LOVE:

24 Q. Did you assign him while you were on  
25 property of your business?

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1 MS. LUHANA: Objection to form.

2 To the extent you recall.

3 THE WITNESS: I don't -- I guess I  
4 don't understand. It was during a treatment  
5 group and it wasn't my business at the time;  
6 it was somebody else's business.

7 BY MR. LOVE:

8 Q. Were other people there?

9 A. It was a treatment group.

10 Q. Who -- who was there when you  
11 assigned him to -- to help out?

12 MS. LUHANA: Objection to form.

13 To the extent you recall, Doctor.

14 THE WITNESS: It would have been  
15 other team members, another therapist and  
16 group members.

17 BY MR. LOVE:

18 Q. Now, the new member that you assigned  
19 him to was a young adult man who, as you said,  
20 had trouble reading; right?

21 A. To my recollection, yes.

22 Q. He was developmentally challenged?

23 A. No.

24 Q. An adult who couldn't read was not  
25 developmentally challenged?



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1 MS. LUHANA: Objection to the  
2 form.

3 THE WITNESS: You can be  
4 illiterate without being intellectually  
5 disabled.

6 MR. LOVE: Okay.

7 BY MR. LOVE:

8 Q. You knew that Richard had sexually  
9 abused other males; right?

10 MS. LUHANA: Objection to form.

11 THE WITNESS: Correct. Young  
12 males.

13 BY MR. LOVE:

14 Q. Was this new patient also a sexual  
15 offender?

16 A. Yes.

17 Q. And was -- he was in your care as  
18 well?

19 MS. LUHANA: Objection to form.

20 THE WITNESS: In my care meaning  
21 receiving outpatient treatment, yes.

22 BY MR. LOVE:

23 Q. And you told him that Richard was  
24 going to help him; right?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: I didn't  
2 particularly say Richard was going to help  
3 him. We recommended that they work together  
4 because it looked like a good idea.

5 MR. LOVE: Right.

6 BY MR. LOVE:

7 Q. So you represented that that man  
8 should trust Richard?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: Unfortunately -- I  
11 wouldn't say trust, I would say receive help  
12 from him. We had no clue. This was a very  
13 painful lesson for all of us, and we had no  
14 clue that this would happen.

15 BY MR. LOVE:

16 Q. Well, did you make sure that when  
17 they met, they were supervised?

18 A. No.

19 Q. Did you tell Richard that he needed  
20 to record their meetings?

21 MS. LUHANA: Objection to form.

22 THE WITNESS: Oh, not in the '90s,  
23 absolutely not.

24 BY MR. LOVE:

25 Q. Did you tell --

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1           A.     This is -- these mistakes are why I  
2     know so much and I hold these  
3     responsibilities, especially when there is  
4     evidence that these could work. And ever  
5     since then, I've changed my program.

6           Q.     Did you monitor their meetings in any  
7     way?

8                     MS. LUHANA:   Objection to form.

9                     THE WITNESS:   Not outside of the  
10    therapeutic setting.

11   BY MR. LOVE:

12          Q.     So you have no idea how often they  
13    met?

14                     MS. LUHANA:   Objection to form.

15                     THE WITNESS:   I -- I don't have  
16    recollection, but this was -- I do recall they  
17    only had met a couple times outside of the  
18    therapeutic setting.

19   BY MR. LOVE:

20          Q.     And on one occasion, Richard brought  
21    that man back to his house; right?

22                     MS. LUHANA:   Object to form.

23                     THE WITNESS:   Right.

24   BY MR. LOVE:

25          Q.     He waited for the man to pass out?

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1 MS. LUHANA: Objection to form.

2 THE WITNESS: Not pass out.

3 MR. LOVE: Can we pull up page 37,  
4 please?

5 Never mind.

6 THE WITNESS: I believe he went to  
7 sleep, and I could be wrong.

8 MR. LOVE: Never mind. It's okay.

9 BY MR. LOVE:

10 Q. Once that man was asleep, Richard  
11 sexually assaulted him; right?

12 A. Correct.

13 MS. LUHANA: Object to form.

14 BY MR. LOVE:

15 Q. Are you at fault for that incident?

16 MS. LUHANA: Object to form.

17 THE WITNESS: I believe partly  
18 from my ignorance and -- and not knowing how  
19 fluid and opportunistic offenders were. It  
20 was very early in my career.

21 BY MR. LOVE:

22 Q. Should the man that was assaulted sue  
23 you?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: If,

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1     organizationally, I continued to put victims  
2     at risk, I would deserve to be sued. But that  
3     has not happened again, because I understood  
4     the importance of changing things, monitoring,  
5     and being aware of how sex offenders act.

6             And certainly if there was a rash  
7     of sexual assaults in my organization, I would  
8     deserve to be sued.

9     BY MR. LOVE:

10            Q.     When you took these actions, were you  
11     being negligent?

12            MS. LUHANA:   Objection to form.  
13     Calls for a legal conclusion.

14            THE WITNESS:   I do not believe  
15     that mistakes that are made are negligent. I  
16     believe that repeated failures to act on  
17     knowledge that someone has that could deter or  
18     prevent can -- can rise to levels of  
19     negligence, not in a -- and that's -- I'm not  
20     a lawyer, so I won't say it legally.

21            But clinically -- so we do  
22     everything we can do to deter and be  
23     preventative and be vigilant and take our  
24     responsibilities seriously, and this was a  
25     very harsh learning lesson. But it happened

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1 once.

2 BY MR. LOVE:

3 Q. Did you act with malice?

4 MS. LUHANA: Objection to form.

5 Calls for a legal conclusion.

6 THE WITNESS: I -- I don't  
7 understand what mal -- what you're asking when  
8 you say "did I act with malice."

9 BY MR. LOVE:

10 Q. Were you -- were you callous in your  
11 decision to put this man who had sexually  
12 offended with another man?

13 MS. LUHANA: Objection to form.

14 Calls for a legal conclusion.

15 THE WITNESS: Yeah, I don't know  
16 what you mean by callous or legal or malice,  
17 sorry.

18 BY MR. LOVE:

19 Q. Was there an inquiry on your license?

20 A. No.

21 Q. Did you report this?

22 MS. LUHANA: Object to form.

23 THE WITNESS: There's nothing to  
24 report. The police were involved. We did  
25 contact law enforcement and encourage the

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1 victim to contact law enforcement.

2 BY MR. LOVE:

3 Q. Did anyone report this to the  
4 disciplinary -- disciplinary board?

5 MS. LUHANA: Objection.

6 THE WITNESS: There is absolutely  
7 nothing to report.

8 BY MR. LOVE:

9 Q. Did you continue to treat Richard?

10 A. No, he went to jail.

11 Q. Did you continue to treat the victim?

12 A. Yes.

13 Q. For how long?

14 A. I have no idea.

15 Q. What happened to him after the  
16 assault?

17 A. I don't know what you mean.

18 Q. What -- what happened to him? How  
19 was his treatment? Did he recidivate? Did he  
20 get better? What happened?

21 MS. LUHANA: Objection to form.

22 THE WITNESS: He didn't -- to my  
23 knowledge, while in our treatment, he did not  
24 recidivate. He did get better. I don't  
25 recall what -- what eventually happened.

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1 MR. LOVE: Okay.

2 BY MR. LOVE:

3 Q. Now, you say that you only had this  
4 happen once; right?

5 A. Where an offender offended another  
6 offender, yes.

7 Q. Okay.

8 But you -- you've had other  
9 patients recidivate, though?

10 A. A couple.

11 Q. Are you aware that 10.9 percent of  
12 treated offenders recidivate within 4.7 years  
13 of being released?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: That is probably  
16 under-representative. That's re-arrested or  
17 re-convicted in that timeframe.

18 BY MR. LOVE:

19 Q. And how many -- how many have --  
20 withdrawn.

21 How many of your patients have  
22 recidivated?

23 MS. LUHANA: Objection to form.

24 THE WITNESS: I can tell you that  
25 it's one -- I think two known recidivists in



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1 the last 18 years.

2 BY MR. LOVE:

3 Q. And you said "known."

4 There very well may be ones that  
5 you do not know about; correct?

6 MS. LUHANA: Objection to form.

7 THE WITNESS: Sure.

8 BY MR. LOVE:

9 Q. Do you remember a person that you  
10 called Roland in your book?

11 A. I don't.

12 MR. LOVE: Could we pull up  
13 page 86, please. And we'll enter this as  
14 Exhibit 16.

15 MS. DELANEY: Yes. It will just  
16 take me a minute to make it an exhibit.

17 MR. LOVE: Absolutely.

18 (Whereupon, a document was marked,  
19 for identification purposes, as Exhibit 16.)

20 THE WITNESS: I am glad you're  
21 reading my book, though.

22 MR. LOVE: Pretty good book.

23 THE WITNESS: Thanks.

24 BY MR. LOVE:

25 Q. While this is -- is being pulled up,

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1 Dr. Valliere, you said two in the last  
2 18 years. Can you tell me about those two  
3 instances?

4 MS. LUHANA: Objection to form.

5 To the extent you are not  
6 breaching any confidentiality, Doctor, you can  
7 go into it.

8 THE WITNESS: It was well over 10  
9 years ago, an individual sexually assaulted a  
10 child after claiming he was unable to come to  
11 treatment for medical reasons, but he was  
12 still a patient. He just -- he -- he was  
13 taking a leave of absence for medical reasons.

14 And then there was a re-arrest of  
15 someone who had been in treatment, but had  
16 been negatively discharged years after his  
17 negative discharge occurred.

18 MR. LOVE: Okay. I believe the --  
19 the exhibit is up, if you want to take a look  
20 at that.

21 BY MR. LOVE:

22 Q. And you will see --

23 MS. LUHANA: Are we going --

24 BY MR. LOVE:

25 Q. -- in -- in the second paragraph,

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1 you'll see the name Roland.

2 MS. LUHANA: Can -- counsel, can  
3 we just be able to scroll so she has content?

4 MR. LOVE: Yep.

5 Can we have the screen whenever  
6 you have a second, Ms. Delaney.

7 And then if you would like us to  
8 scroll anywhere, Dr. Valliere, just let us  
9 know, but I'll be asking about Roland.

10 THE WITNESS: Okay.

11 BY MR. LOVE:

12 Q. Does that refresh your recollection  
13 on -- on who Roland is?

14 A. Yes.

15 Q. Okay.

16 And you thought he was making  
17 progress like Richard; right?

18 MS. LUHANA: Objection to form.

19 THE WITNESS: Right.

20 BY MR. LOVE:

21 Q. He had cleaned up; right?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: Yes.

24 BY MR. LOVE:

25 Q. He was exhibiting all traditional

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1 therapeutic markers for progress and  
2 pro-sociality?

3 MS. LUHANA: Objection to form.

4 THE WITNESS: Right.

5 BY MR. LOVE:

6 Q. He got a job?

7 A. Exactly.

8 Q. And then he re-offended?

9 MS. LUHANA: Object to form.

10 THE WITNESS: Right.

11 BY MR. LOVE:

12 Q. You didn't catch any signs that he  
13 was going to re-offend; right?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: If I -- this was  
16 also at the very, very beginning in 1994, and  
17 this is before, again, I was taking over the  
18 program for someone else. And this is what  
19 taught me about the pro-social presentation.

20 So I didn't know him enough to  
21 catch any, but now, what Roland did teach me  
22 is when people change in treatment like this,  
23 it's -- that you have to pay attention.

24 BY MR. LOVE:

25 Q. Well, Richard had already taught you

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1 that; right?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: That was all around  
4 the same timeframe.

5 MR. LOVE: Okay.

6 THE WITNESS: The program I took  
7 over was not run the same way as the program I  
8 run now. In the '90s, that kind of treatment  
9 was basically kind of in its infancy, so it  
10 was much different.

11 MR. LOVE: We can pull this down,  
12 Ms. Delaney.

13 BY MR. LOVE:

14 Q. Dr. Valliere, you previously acted as  
15 an expert witness for Pittston Area School  
16 District; is that right?

17 A. I -- I'm not sure of the school  
18 district, but I have been an expert for a  
19 school district.

20 Q. And that was a case where a band  
21 director had sexually abused several children?

22 A. That's right.

23 Q. And the kids' families sued the  
24 school district for being negligent and  
25 allowing the abuse; right?

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1 MS. LUHANA: Objection to form.

2 THE WITNESS: I believe -- I can't  
3 remember who the plaintiffs were, but I know  
4 they were the victims. I don't know who --  
5 how many people they sued.

6 BY MR. LOVE:

7 Q. A school is somewhere that the public  
8 expects to be safe; right?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: Absolutely.

11 BY MR. LOVE:

12 Q. The public does not expect teachers  
13 to sexually abuse students; right?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: They -- they don't,  
16 and there's a big outcry when somebody does,  
17 rightly so.

18 BY MR. LOVE:

19 Q. Because parents have to have trust  
20 that they can send their kids to school;  
21 right?

22 A. Absolutely.

23 Q. But just because there was sexual  
24 abuse that occurred in an environment that is  
25 presented as safe does not mean that there was

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1 a failure to prevent abuse; correct?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: Not always.

4 And like in my further testimony,  
5 comparing a school to the -- to Uber is really  
6 problematic. That's a very complicated case  
7 and there's very little overlap, except that,  
8 I mean, Uber promotes itself as safe. As does  
9 a school has a responsibility to be safe, so  
10 does Uber.

11 BY MR. LOVE:

12 Q. Your opinion in that case was that  
13 the school was not negligent; right?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: Correct.

16 BY MR. LOVE:

17 Q. The school did nothing wrong in your  
18 view?

19 MS. LUHANA: Objection to form.

20 THE WITNESS: I don't think --  
21 I -- I wouldn't say it -- nothing. I don't  
22 think I said nothing. I think I analyzed a  
23 very complicated situation and explained why  
24 this offending could be undetected by the  
25 school, and what actions they did to be

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1 proactive and preventative, which is  
2 completely unlike Uber.

3 MR. LOVE: Okay.

4 BY MR. LOVE:

5 Q. But they didn't do something wrong  
6 enough that you would consider them negligent;  
7 right?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: I think my ultimate  
10 opinion was that the offender circumvented  
11 many of the things that the school instituted.

12 MR. LOVE: Okay.

13 BY MR. LOVE:

14 Q. The band director in that case, he  
15 sexually abused children on school grounds;  
16 right?

17 MS. LUHANA: Object to form.

18 THE WITNESS: I would have to  
19 review that case. It's -- I believe that that  
20 is not exactly accurate.

21 MR. LOVE: Okay. Can we pull up  
22 Tab 18, and we'll mark this as Exhibit 17.

23 (Whereupon, a document was marked,  
24 for identification purposes, as Exhibit 17.)

25 THE WITNESS: Can I just ask, I'm



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1 a little concerned with confidentiality. This  
2 is in the public domain, this report?

3 MR. LOVE: Yes, it is.

4 THE WITNESS: Okay.

5 BY MR. LOVE:

6 Q. Okay.

7 So if you scroll down to page 4,  
8 at the bottom, you'll see a bullet point list.

9 MS. LUHANA: Doctor, if you want  
10 to take your time to review this.

11 THE WITNESS: Yes.

12 (Whereupon, the witness reviews  
13 the exhibit.)

14 THE WITNESS: Okay.

15 MR. LOVE: Okay.

16 BY MR. LOVE:

17 Q. And if you look at the paragraph  
18 right before that, the -- the band director  
19 was convicted of sexually abusing nine victims  
20 between 13 and 17 years old during his tenure;  
21 right?

22 A. Right.

23 Q. But it's likely that there were a lot  
24 more; right?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: It's --

2 MS. LUHANA: Speculation.

3 THE WITNESS: It's definitely  
4 possible, but I don't know.

5 BY MR. LOVE:

6 Q. He worked at the school for eight  
7 years; right?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: I would have to  
10 look. I don't know how long he was at that  
11 school by looking at this. It doesn't refresh  
12 my recollection.

13 MR. LOVE: Okay. We'll -- we'll  
14 refer you to it when we get to it. Let's look  
15 at the bullet point list for now.

16 BY MR. LOVE:

17 Q. Can you read the first four bullets  
18 on that list, please.

19 A. "Daring a student to put a 'mushroom  
20 print' on the bus window by having the student  
21 press his penis against foggy glass;

22 "Having a student expose his penis  
23 and making another student touch it;

24 "Ordering a victim to put his  
25 penis on another student's head;

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1 "Telling students to have 'sword  
2 fights' in the bus with their bare penises,  
3 sometimes after putting glow in the dark paint  
4 on their penises."

5 Q. These actions were done in front of  
6 other students; right?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: It -- sometimes.  
9 There was a group of students engaged in this.  
10 BY MR. LOVE:

11 Q. And at least for the first and fourth  
12 bullet points, these things happened on a bus;  
13 right?

14 A. Right, but that -- you asked me about  
15 being on school premises.

16 Q. Right.

17 And that school bus had a camera;  
18 right?

19 A. Oh, I have no idea.

20 Q. Are you aware of school buses that  
21 don't have cameras?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: This is --

24 MS. LUHANA: Speculation.

25 THE WITNESS: Yeah, this is years

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1 ago in a rural school district. I don't know  
2 anything about the requirements of cameras on  
3 buses.

4 BY MR. LOVE:

5 Q. Later in the report, which I can  
6 direct you to page 8, in the third paragraph  
7 up, you mention someone that testified for the  
8 band director, and I'm just going to read,  
9 without using names. "Mr. X claimed that he  
10 was 'present at 90% of the band trips as a  
11 band parent on the bus and never saw him once  
12 go to the back of the bus.'"

13 Do you see that?

14 A. Yes.

15 Q. So parents were present on that bus  
16 as well; right?

17 MS. LUHANA: Objection to form.

18 THE WITNESS: Parents were present  
19 on a bus at some point with this teacher. It  
20 doesn't say that this is the exact bus, the  
21 exact trip, the exact situation that the abuse  
22 occurred.

23 MR. LOVE: Okay.

24 BY MR. LOVE:

25 Q. And if you look at page 8 at the very

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1 bottom, where it says, "Hiding in Plain  
2 Sight," the third line down, you'll see, "He  
3 engaged in abusive behavior on the bus,  
4 amongst the present of -- presence of parents  
5 and other students."

6 Do you see that?

7 A. Yes.

8 Q. So he committed sexual abuse on a bus  
9 with parents on that bus with him?

10 MS. LUHANA: Objection to form.

11 THE WITNESS: The complication in  
12 this case is that he would get kids to abuse  
13 one another or engage in this sex play or this  
14 acting out with one another. He would not  
15 masturbate on the bus. He would not do these  
16 things.

17 So it is still sexually abusive  
18 behavior, but he got the students to do it to  
19 each other, which is a different dynamic.

20 BY MR. LOVE:

21 Q. You certainly don't mean to insinuate  
22 that those children are at fault for that  
23 inappropriate behavior; correct?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: No. That's why I'm

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1 calling it abusive behavior, is that he had a  
2 way of organizing kids to be sexually  
3 inappropriate with each other, which I  
4 consider victimization, but no one could ever  
5 pinpoint him as re -- or the viewers could not  
6 see him as responsible for it necessarily.

7 BY MR. LOVE:

8 Q. If you could go back to the bullet  
9 point list on page 4, and read the fifth and  
10 sixth bullets, please.

11 A. "Masturbating into his own hand, then  
12 hitting students in the face or head full of  
13 semen; {sic}

14 "Making students masturbate in  
15 their own hands and hit each others in the  
16 head full of semen." {Sic}

17 Q. Did this take place on school  
18 grounds?

19 MS. LUHANA: Objection to form.

20 THE WITNESS: I can't remember,  
21 but not to my knowledge. They would go on  
22 band trips and do other things. He had --  
23 most of the victim behavior occurred outside  
24 of the school setting.

25 The victimizing behavior, I'm

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1       sorry, not the victim behavior. Well, the  
2       victim behavior, too.

3       BY MR. LOVE:

4             Q. But this didn't happen in front of  
5       other kids; right?

6             MS. LUHANA: Objection to form.

7             THE WITNESS: Most of the other  
8       kids were involved.

9       BY MR. LOVE:

10            Q. And the materials you reviewed, you  
11       didn't see any indication that any  
12       administrator at this school asked why these  
13       children had semen on their face and heads?

14            MS. LUHANA: Objection to form.

15            THE WITNESS: There was no  
16       indication that any administrator ever saw  
17       semen on a kid's face or head.

18            MR. LOVE: Right.

19       BY MR. LOVE:

20            Q. And there was no indication that any  
21       teacher saw or asked about semen on these  
22       children; right?

23            MS. LUHANA: Objection to form.

24            THE WITNESS: Exactly.

25            I think the school did as much as

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1 it could do, and, in fact, he was deterred by  
2 offending in the school because staff asked  
3 him what he was doing. There were cameras  
4 that he had to avoid. He knew that being on  
5 school property and being monitored in  
6 real-time by other teachers was a deterrent  
7 for him. He didn't have control of that  
8 environment.

9 BY MR. LOVE:

10 Q. You just said he evaded cameras. So  
11 he did commit these offenses, or at least some  
12 of them, on school grounds; correct?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: I don't know which  
15 behavior, but he specifically avoided the  
16 cameras. And avoiding a camera in a giant  
17 school building is completely different than  
18 avoiding a dash camera.

19 BY MR. LOVE:

20 Q. But nobody on those school grounds  
21 ever saw any of this behavior; right?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: I'd have to read the  
24 whole report, but it's my -- and I will reread  
25 the whole report if you need me to, but it's



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1 my recollection he was confronted and  
2 counseled about his behavior, which is why he  
3 moved it outside of the school.

4 MS. LUHANA: Dr. Valliere, take  
5 your time to review this report. You've had  
6 so many questions asked about that, so please  
7 review it.

8 Counsel, she's going to read the  
9 report since you've asked her some questions  
10 about it.

11 MR. LOVE: Okay. We need to go  
12 off the record, please.

13 MS. LUHANA: We don't need to go  
14 off the record. That's time on the record.  
15 You have been asking questions about this  
16 report. She needs an opportunity to review  
17 it.

18 MR. LOVE: We can discuss -- we  
19 can discuss this, but I'd like to discuss it  
20 off the record.

21 MS. LUHANA: No, we're not going  
22 off the record. She can review documents that  
23 you're asking her questions about. She needs  
24 the opportunity to review the documents.  
25 There's no need to go off the record.

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1 MR. LOVE: There is a need to go  
2 off the record. I -- we cannot sit here and  
3 let -- and go through every page of this  
4 document to eat up my -- the entire deposition  
5 time that we have.

6 MS. LUHANA: You've continued to  
7 ask her numerous questions.

8 Doctor, what -- what year is this  
9 report from?

10 MR. LOVE: 2023.

11 MS. LUHANA: You've asked her  
12 questions for a report she's written two plus  
13 years ago, and so she should have the  
14 opportunity to run through the report and --  
15 and on your time because you're asking her  
16 these questions.

17 MR. LOVE: I disagree, and we need  
18 to go off the record so that we can discuss  
19 and I can discuss with my team.

20 MS. LUHANA: This is part of your  
21 time, though. You're --are you going to  
22 continue asking her questions about this  
23 report?

24 MR. LOVE: Yes, I am.

25 MS. LUHANA: So then she has to

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1 have an opportunity to review it on the  
2 record.

3 MR. LOVE: That's fine. So -- so  
4 we need to go off the record.

5 MS. LUHANA: No, no.

6 MR. LOVE: So -- so that I --  
7 excuse me. We need to go off the record so  
8 that I may discuss this with my team  
9 internally. If she wants to stop reviewing  
10 while we're off the record, that's fine, but I  
11 need to go off the record so that I can  
12 discuss with my team internally.

13 MS. LUHANA: What are you -- what  
14 are you discussing? If -- if you're going to  
15 continue to ask her questions about this  
16 report, she needs an opportunity, and it  
17 counts against your time. You can't have a  
18 witness do --

19 MR. LOVE: Understood.

20 MS. LUHANA: -- and have her  
21 review off-the-record time and then ask  
22 questions thereafter.

23 MR. LOVE: I understand your  
24 opinion, okay? You've made your position  
25 very --

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1 (Overlapping Speakers.)

2 MS. LUHANA: You've made your  
3 position -- excuse me. You've made your  
4 position very clear.

5 I already said that Dr. Valliere  
6 can stop reviewing the report, but I need to  
7 go off the record.

8 MS. LUHANA: Okay.

9 MR. LOVE: Thank you.

10 THE VIDEOGRAPHER: Going off the  
11 video record. The time is 3:21 p.m.

12 (Whereupon, a recess was taken at  
13 the above time.)

14 THE VIDEOGRAPHER: We are back on  
15 the video record. The time is 3:33 p.m.

16 This begins Media Unit No. 5.

17 MR. LOVE: So, just for the  
18 record, counsels have discussed off the  
19 record, and we are allowing Dr. Valliere time  
20 to review this report that she wrote two years  
21 ago that she was crossed on less than a month  
22 ago at trial.

23 If it's a reasonable time and we  
24 can get through our questions, we -- that's  
25 fine. But if this takes too long,

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1 particularly given the evasiveness of the  
2 witness in the beginning of today's  
3 deposition, and the tactics to run out the  
4 time on our deposition, we will be seeking  
5 Court intervention and leaving this deposition  
6 open.

7 MS. LUHANA: And, counsel, we  
8 disagree with your assessment of the  
9 situation. The witness should have reasonable  
10 time to review the document on the record.  
11 Your entitled to ask her questions, but she  
12 needs an opportunity to read the document, as  
13 we've done for prior witnesses, were done on  
14 the record.

15 And I disagree with your  
16 characterization of Dr. Valliere's responses  
17 today. She's been very cooperative and she's  
18 answered your vague, broad, general blanket  
19 questions to the best of her ability.

20 So, Dr. Valliere, please take your  
21 time and review the document.

22 (Whereupon, the witness reviews  
23 the exhibit.)

24 MS. LUHANA: And, counsel, do you  
25 recall, when she was asked questions about

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1 this at the trial, whether she was given the  
2 expert report to review?

3 MR. LOVE: I don't recall, but  
4 it's been raised as an issue in this  
5 litigation, so it's something she should have  
6 reviewed.

7 MS. LUHANA: Okay. I understand  
8 your position.

9 (Whereupon, the witness reviews  
10 the exhibit.)

11 THE WITNESS: Okay.

12 BY MR. LOVE:

13 Q. Okay, Dr. Valliere.

14 So we were discussing the fifth  
15 and sixth bullet points in that list.

16 A. Right.

17 Q. Did that conduct take place on school  
18 grounds?

19 A. No, it did not. There's nothing in  
20 my report that suggests that any of this  
21 conduct took place on school grounds, except  
22 for him encouraging other student behavior, to  
23 engage with other students.

24 Q. In your report, it discusses this  
25 band director evading the cameras on school

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1 grounds; correct?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: It talked about him  
4 evading behavior, but that doesn't mean it --  
5 it does not mean he, himself, engaged in his  
6 openly sexually abusive behavior on school  
7 grounds.

8 This is a great -- this is really  
9 a great case to talk about and compare and  
10 contrast with the Uber environment, because in  
11 this report, I describe environments that are  
12 not -- that help sex offenders get away with  
13 it, that protect sex offenders, that ignore  
14 information and do not provide an environment  
15 that is protective of students.

16 This guy engaged in long-term  
17 grooming and indoctrination of students, and I  
18 put in here specifically that he was not  
19 opportunistic, so --

20 BY MR. LOVE:

21 Q. Dr. Valliere, I'm sorry.

22 MS. LUHANA: Counsel, let her  
23 finish --

24 MR. LOVE: Dr. Valliere -- Dr.  
25 Valliere, I'm so sorry, but we cannot eat up

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1 time by giving testimony that was not asked  
2 for. This is nonresponsive.

3 MS. LUHANA: She -- you can't cut  
4 her off, counsel.

5 MR. LOVE: This is not responsive.

6 MS. LUHANA: Finish your response.  
7 Doctor, finish your response.

8 Are you -- are you cutting her  
9 off? That's improper.

10 Go ahead, finish your response,  
11 Doctor.

12 THE WITNESS: Well, it -- to  
13 compare this unique, unusual situation to my  
14 opinion or solicit my opinions about Uber are  
15 in direct contrast and contradiction.

16 My stance on the Uber that I  
17 explained in my report is incredibly different  
18 than the issues presented in this report.

19 MR. LOVE: Once again,  
20 Dr. Valliere, I will instruct you to answer my  
21 question and my question alone. Your counsel  
22 will have the opportunity to ask you questions  
23 and allow you to say whatever you want to say,  
24 but right now, it's my turn to ask questions,  
25 and I only get a limited time. So please



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1 answer my questions and only my questions.

2 BY MR. LOVE:

3 Q. This fifth and sixth bullet, that  
4 took place on the bus?

5 A. I can't remember. This band director  
6 took the students off premises very often.

7 Q. Can you read the next four bullets, 7  
8 through 10.

9 A. "Having students touch themselves to  
10 erection to display their penises -- the size  
11 of their penises;

12 "Touching students and having  
13 touch -- students touch each other in an  
14 escalating pattern until they touched  
15 students' genitalia;

16 "Had victims put their own fingers  
17 into their rectums or dares." {Sic}

18 Did I do the right number? I'm  
19 sorry.

20 "Making students masturbate into  
21 food items and make other students eat it  
22 knowingly or by tricking them."

23 Q. When you say "making students," what  
24 do you mean by that?

25 A. It's my understanding that he would

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1 goad students into this and that they had a --  
2 sort of a club, a secret band club, that these  
3 were some of the hazing-like initiations to  
4 join.

5 Q. And when you say "having students,"  
6 you mean the same thing?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: Right. Verbally  
9 telling them to do it.

10 BY MR. LOVE:

11 Q. So I want to be really clear, because  
12 in September, you said in your testimony, the  
13 kids were doing this to other kids. They  
14 weren't directly attributed to the band  
15 director.

16 At that time, you were not trying  
17 to insinuate that the kids were at fault for  
18 that behavior; right?

19 MS. LUHANA: Objection to --  
20 objection to form.

21 THE WITNESS: Oh, absolutely not.  
22 These kids were engaged in this behavior at  
23 the direction of -- of the offender.

24 MR. LOVE: Right.

25 BY MR. LOVE:

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1 Q. The band leader was the source of all  
2 sexual misconduct; correct?

3 MS. LUHANA: Objection to form.

4 THE WITNESS: He -- I can't say  
5 that he's responsible for what these kids did.

6 Part of the difficulty with this  
7 is some of the kids began initiating it on  
8 their own, which camouflaged and clouded some  
9 of the identification of the perpetrator.

10 BY MR. LOVE:

11 Q. Where, in this report, do you say  
12 that some of the kids started doing it on  
13 their own unprompted?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: I don't think I used  
16 those words. I just know that that's part of  
17 the facts of this case, and that's why I  
18 described this as hard to identify, 'cause in  
19 some ways, it looked like hazing.

20 Once these initiations became  
21 established, it -- it was taken -- it took on  
22 a little bit of a life of its own.

23 BY MR. LOVE:

24 Q. All of the conduct is attributable to  
25 the band director, though; correct?

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1 MS. LUHANA: Objection to form.

2 THE WITNESS: He was the  
3 ultimately responsible offender.

4 BY MR. LOVE:

5 Q. So when you say -- when you said  
6 in -- in your testimony, "So saying he  
7 sexually assaulted people on the bus is not  
8 accurate," was that a mistake?

9 MS. LUHANA: Objection to form.

10 Counsel, are you referring to her  
11 trial testimony?

12 MR. LOVE: Yes.

13 MS. LUHANA: Are you going to show  
14 that trial testimony?

15 MR. LOVE: I don't think I need  
16 to. I read directly from it. But if Dr.  
17 Valliere would like to see it, then I will  
18 show you.

19 MS. LUHANA: Okay.

20 THE WITNESS: Well, I -- I would,  
21 because my -- my correction is wording.

22 MR. LOVE: So then it's  
23 Exhibit 17 -- not 17, Tab 17. Sorry. It's  
24 Exhibit 11, page 888, lines 11 to 19.

25 MS. LUHANA: 888, you said?

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1 MR. LOVE: Um-hmm.

2 THE WITNESS: So a hundred and --  
3 124.

4 MS. LUHANA: And, counsel, on  
5 page 888?

6 MR. LOVE: Lines 11 to 19.

7 BY MR. LOVE:

8 Q. The question asked was, "And many --  
9 we can agree that all of these multiple lists  
10 are sexual misconduct; correct? {Sic}

11 "ANSWER: There's a greater  
12 context to this. This teacher was having kids  
13 do things to other kids so they weren't  
14 directly attributed to him. So this is a very  
15 complicated case. So saying he sexually  
16 assaulted people on the bus is -- is not  
17 accurate. There was sexual behavior on the  
18 bus that the kids encouraged other people to  
19 do."

20 So when you say, "saying he  
21 sexually assaulted people on the bus is not  
22 accurate," was that a mistake?

23 A. No. He sexually abused people, but  
24 he did not directly sexually assault anybody  
25 himself on the bus. And he was not convicted

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1 for any sexual assaults on the bus.

2 So there's sexual misconduct,  
3 there's sexual abuse, there's sexual coercion,  
4 but sexual assault is defined by actually  
5 putting his own hands on somebody else. So  
6 that wasn't a mistake.

7 Q. You would agree with me that an adult  
8 authority figure telling children to have  
9 sword fights with their penises is sexual  
10 abuse; correct?

11 MS. LUHANA: Objection to form.

12 THE WITNESS: Absolutely. That's  
13 what I just explained. It was sexual abuse,  
14 not sexual assault.

15 BY MR. LOVE:

16 Q. You would agree with me that putting  
17 glow-in-the-dark paint on child's -- the  
18 children's penises is sexual assault; correct?

19 MS. LUHANA: Objection to form.

20 THE WITNESS: He did not put  
21 glow-in-the-dark paint on anybody's penis. He  
22 had the kids do it to themselves.

23 BY MR. LOVE:

24 Q. Can you read the next two bullets,  
25 please, 11 to 12.

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1 MS. LUHANA: So we're going back  
2 to --

3 THE WITNESS: The report?

4 MS. LUHANA: -- the report? Is  
5 that what you're asking?

6 MR. LOVE: Yes.

7 MS. LUHANA: And what page in the  
8 report?

9 MR. LOVE: It's page 4.

10 MS. LUHANA: Thank you.

11 THE WITNESS: The last two, you  
12 said?

13 MR. LOVE: The next two, which  
14 would be 11 to 12, five up from the bottom.

15 THE WITNESS: "Soliciting naked  
16 pictures from students;

17 "Attaining nude images from  
18 students, including of" a particular person  
19 "exposing his penis or erection; {sic}

20 "Exposing his own erect penis to  
21 students;

22 "Asking students about their penis  
23 size and whether they were circumcised;"

24 And "Playing 'Truth Or Dare' with  
25 students and former students and daring them

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1 to perform sex acts." {Sic}

2 BY MR. LOVE:

3 Q. When you discuss photos, how did he  
4 obtain those photos?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: It was through text  
7 messaging, I believe, or some kind of social  
8 media exchange.

9 BY MR. LOVE:

10 Q. Did he take any of those photos,  
11 himself?

12 MS. LUHANA: Objection to form, to  
13 the extent you know.

14 THE WITNESS: I don't believe  
15 he -- I believe the students produced their  
16 own images.

17 BY MR. LOVE:

18 Q. You certainly agree that this is  
19 serious sexual abuse; correct?

20 A. Absolutely.

21 Q. And when you say "Exposing his own  
22 erect penis to students," where did that  
23 occur?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: Like where was he?



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1 MR. LOVE: Correct.

2 THE WITNESS: I'm not entirely  
3 sure, and I'm not entirely sure if it was done  
4 over, like, video.

5 BY MR. LOVE:

6 Q. So you can't be sure where this  
7 happened?

8 A. It was not in the school.

9 Q. So you're sure that it did not happen  
10 in the school, but you can't say where it  
11 happened?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: I can say it --  
14 it -- in my best recollection, it happened on  
15 trips or in his own home. He had kids in his  
16 home.

17 BY MR. LOVE:

18 Q. Your ultimate opinion in this report  
19 is that the school was not negligent; right?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: I think my ultimate  
22 opinion is that the school did not provide an  
23 environment which ignored or protected  
24 offenders, or produced -- or was an  
25 environment that knowingly allowed, in a

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1 negligent way, sexual assault to go on.

2 MR. LOVE: Okay.

3 BY MR. LOVE:

4 Q. And nowhere in this report do you say  
5 this man's acts did not happen on school  
6 grounds; right?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: I think -- I don't  
9 think I put that, but if it had happened on  
10 school grounds, I would have put it. So I  
11 reflected some of the evidence.

12 BY MR. LOVE:

13 Q. Well, you did write that he evaded  
14 cameras on school grounds; right?

15 A. Right.

16 And that was when he was  
17 indoctrinating some of the kids or having them  
18 do sexual things to each other.

19 Q. Okay.

20 And you don't think that it was  
21 important to your opinion that some of these  
22 acts did not happen at the school?

23 MS. LUHANA: Objection to form.

24 THE WITNESS: I don't understand  
25 the question.

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1 BY MR. LOVE:

2 Q. Well, you didn't include in your  
3 report, like you just said, that some of these  
4 acts did not happen on school grounds. You  
5 didn't find that important to your opinion?

6 MS. LUHANA: Objection to form.

7 THE WITNESS: It was in evidence  
8 that was available else wheres, including his  
9 police reports and things like that.

10 MR. LOVE: But that's not my  
11 question.

12 BY MR. LOVE:

13 Q. My question is, you came to an  
14 opinion in this report, and you didn't cite  
15 any of that evidence or talk about it in this  
16 report; correct?

17 MS. LUHANA: Objection to form.  
18 Misstates the record.

19 THE WITNESS: I think I cited a  
20 lot of evidence. I have a huge list of things  
21 that I reviewed.

22 BY MR. LOVE:

23 Q. But nowhere in this report do you  
24 cite something to say that these acts did not  
25 happen on school grounds; right?

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1 MS. LUHANA: Objection to form.

2 THE WITNESS: And I did not say it  
3 happened on school grounds.

4 BY MR. LOVE:

5 Q. Well, you did. You said, "He avoided  
6 cameras on school grounds," so that he could  
7 sexually abuse; right?

8 MS. LUHANA: Object to form.

9 THE WITNESS: He avoided cameras  
10 so he could engage the kids in some of this  
11 sexual hazing behavior.

12 BY MR. LOVE:

13 Q. Which is sexual abuse; correct?

14 A. Correct.

15 Q. Okay.

16 So he committed some sexual abuse  
17 on campus, and nowhere in this report did you  
18 write that other sexual abuse did not happen  
19 on the campus; right?

20 MS. LUHANA: Objection to form.  
21 Misstates what's in the record.

22 THE WITNESS: Yeah. The -- the  
23 report speaks for itself, so...

24 MR. LOVE: Okay.

25 BY MR. LOVE:

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1 Q. Can you read the next bullet, the one  
2 starting "Asking." Oh, sorry, no, the one  
3 starting with "Having."

4 A. "Having victims lick one another's  
5 anal area and eat each other's pubic hair;

6 "Having students pull down  
7 another's pants in front of people;

8 "Threatening to disseminate sexual  
9 photos of people if they did not continue to  
10 participate or told about the abuse;

11 "Coercing a former student to suck  
12 his penis";

13 And "Creating a sexualized,  
14 coercive environment for students who wished  
15 to have his mentorship and be involved in his  
16 successful band 'clique.'"

17 Q. All of those are certainly sexual  
18 abuse; correct?

19 A. Absolutely. This was a very deviant,  
20 sophisticated offender.

21 Q. And some of that conduct happened on  
22 school grounds; correct?

23 MS. LUHANA: Objection to form.  
24 Asked and answered.

25 THE WITNESS: Some of the conduct

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1 did, yes, with the -- not his direct sexual  
2 assaults of students, but the other behaviors.

3 BY MR. LOVE:

4 Q. Where you say, "Asking students about  
5 their penis size and whether they were  
6 circumcised," which is the second one up from  
7 the bottom on page 4, how did the band  
8 director ask those questions?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: I don't understand  
11 what you're asking.

12 BY MR. LOVE:

13 Q. Did he ask -- did he conceal the way  
14 that he asked those questions?

15 MS. LUHANA: Objection to form, if  
16 you know.

17 BY MR. LOVE:

18 Q. He used the language "Are you?"  
19 Right?

20 A. If I have quotes in there, it's what  
21 the victims reported.

22 Q. Okay.

23 And it was part of a larger scheme  
24 of abuse; right?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: Those were some of  
2 the questions he used in grooming them.

3 MR. LOVE: Right.

4 BY MR. LOVE:

5 Q. He would ask "Are you," and they  
6 would understand that to mean are you  
7 circumcised; is that right?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: I don't recall.

10 BY MR. LOVE:

11 Q. Other students were interested in why  
12 he was asking them questions; right?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: I -- I don't recall.

15 I don't recall. Whatever my report says is  
16 what -- they had all these little code things  
17 that other band members would be interested  
18 in.

19 BY MR. LOVE:

20 Q. And none of the teachers ever asked  
21 about that code; right?

22 A. As far as I know, other teachers  
23 never necessarily knew about that. There was  
24 no evidence that other people knew.

25 Q. He announced it over the loudspeaker;

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1 correct?

2 MS. LUHANA: Object to the form.

3 THE WITNESS: I don't -- I can't  
4 remember if he did or the other kids, but they  
5 were just innocuous and interpreted as  
6 something that the band clique did.

7 BY MR. LOVE:

8 Q. Because no one ever asked about it;  
9 right?

10 MS. LUHANA: Objection to form.

11 THE WITNESS: I can't agree or  
12 disagree with that. I don't know who asked  
13 about it or how it was explained. It was  
14 never a chronic or identified issue of the  
15 school's negligence.

16 BY MR. LOVE:

17 Q. When you say, "Sexual acts in 'Truth  
18 or Dare,'" {sic} the last bullet on -- on  
19 page 4, what sexual acts are you talking  
20 about?

21 MS. LUHANA: Objection to form.

22 To the extent you remember.

23 THE WITNESS: I -- I have no idea.  
24 I can't remember.

25 It could have been the acts listed



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1 in the other bullet points. I'm not sure what  
2 the specific things were.

3 BY MR. LOVE:

4 Q. And in the second to last bullet, you  
5 write, "among other things." What do you mean  
6 by that?

7 MS. LUHANA: Objection to form, to  
8 this entire line of questioning about a report  
9 from two years ago.

10 THE WITNESS: I think in a --  
11 that's -- that's just a transition to creating  
12 the sexualized environment. There were other  
13 uncharged or subtle behaviors that were  
14 individualized or whatever, but the "among  
15 other things," meaning the list above, he  
16 created the sexualized and coercive  
17 environment.

18 MR. LOVE: Okay.

19 BY MR. LOVE:

20 Q. Nowhere in this report do you say  
21 that the school ran a background check on this  
22 band director; correct?

23 MS. LUHANA: Objection to form.

24 THE WITNESS: That was not at all  
25 my referral issue, and there's regulations

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1 about teachers and he was fully incorporated  
2 as a teacher.

3 BY MR. LOVE:

4 Q. But nowhere did you mention anything  
5 about a background check in this report;  
6 correct?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: No, I wouldn't.

9 BY MR. LOVE:

10 Q. What is a red flag?

11 MS. LUHANA: Counsel, are you  
12 referring to something in the report?

13 MR. LOVE: I'm asking a question.

14 MS. LUHANA: Object -- objection  
15 to form.

16 THE WITNESS: Can you be -- a red  
17 flag in what context?

18 MR. LOVE: Sure.

19 BY MR. LOVE:

20 Q. Do you consider a red flag a sign  
21 that -- or withdrawn.

22 Do you consider a sign that  
23 someone might be an offender a red flag?

24 A. There are ideas that offenders can be  
25 identified by certain stereotypical things

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1 that we might consider red flags or risk  
2 behaviors.

3 I think I -- in this report, I  
4 talk about there's research that says that red  
5 flags -- generic ideas of red flags are hard  
6 to identify in ongoing relationships between  
7 perpetrators and their victims.

8 This is kind of different than  
9 what Uber has in its studied and identified  
10 risk factors.

11 Q. So the language that you just said is  
12 not quite within your report, so if you could  
13 turn to page 13.

14 A. Sure.

15 Q. The very first sentence reads,  
16 "Unfortunately" --

17 MS. LUHANA: Counsel, wait. She's  
18 scrolling to get there so...

19 THE WITNESS: Give me a second.

20 MS. LUHANA: Yeah, can she just --  
21 can she just have the document in front of  
22 her.

23 THE WITNESS: Oh, my.

24 MS. LUHANA: 13.

25 THE WITNESS: Okay.

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1 MS. LUHANA: Okay. Where?

2 BY MR. LOVE:

3 Q. The very first sentence reads,  
4 "Unfortunately, research does not support the  
5 premise that grooming behaviors or 'red flags'  
6 are easily identified at the time they are  
7 occurring."

8 Did I read that correctly?

9 A. Yes.

10 Q. Even when people are trained to  
11 identify red flags for sexual abuse, they're  
12 often inaccurate in recognizing sex offender  
13 behaviors; right?

14 A. You do understand that's in the  
15 context of grooming, which is the process of  
16 engaging.

17 I say in there "identify grooming  
18 or red flags." So we're talking about  
19 offenders who establish ongoing relationships  
20 with their victims and interpreting that as  
21 offensive relationships.

22 That's completely different than  
23 risk factors.

24 Q. That wasn't an answer to my question,  
25 Dr. Valliere.

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1                   My question is, even after being  
2 specifically trained to identify grooming or  
3 red flags, people were inaccurate in  
4 recognizing sex offender behaviors; correct?

5                   MS. LUHANA: Objection to the  
6 form.

7                   THE WITNESS: Right, but I'm  
8 adding a context of what kind of sex offending  
9 we're talking about, which is not the kind of  
10 sex offending I talk about in my report and  
11 opinion to Uber.

12                   So I just want to make it clear  
13 that all sex offenders are unique, the ways  
14 they offend are unique, and I specifically  
15 talk about offenders who are very different  
16 than Mr. Carter relevant to my Uber opinion.

17 BY MR. LOVE:

18               Q.     The detection of sexual offenders  
19 relies primarily on disclosure of the victim;  
20 right?

21                   MS. LUHANA: Objection to form.

22                   THE WITNESS: In -- in the most  
23 part, yes. Unless there is video or other  
24 types of objective evidence of an assault.

25 BY MR. LOVE:

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1 Q. It does not rely on red flags; right?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: It can rely on  
4 identifying risk factors like we've talked  
5 about all along, which can also be interpreted  
6 as red flags in a different context.

7 In this context, I'm using  
8 grooming behaviors.

9 MR. LOVE: Okay.

10 BY MR. LOVE:

11 Q. Could you turn to page 14, first  
12 paragraph, third line down. It says, "The  
13 detection of child abuse still relies  
14 primarily on the disclosure of the victim, not  
15 the identification of 'red flags' or policies  
16 that will prevent sexual abuse."

17 Did I read that correctly?

18 A. Excuse me. Sure.

19 Q. And it says "child abuse."

20 Does that also pertain to the  
21 sexual abuse of women?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: It applies to sexual  
24 assault that community guidelines or school  
25 policies are not going to present sexual

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1 assault, which is why, in my Uber report, I go  
2 about all the steps to deterrence that only a  
3 policy will not. It's the enforcement of that  
4 policy, consequences, monitoring of that  
5 policy and clear and -- and clearly defined  
6 rules and crystal clear consequences in a  
7 meaningful way.

8 BY MR. LOVE:

9 Q. Identification of problematic  
10 behaviors are red flags. Those are influenced  
11 by hindsight bias; right?

12 MS. LUHANA: Objection to form.

13 THE WITNESS: Not necessarily.  
14 Identification, like I spell out in my Uber  
15 report, they have, by their own research,  
16 identified risk factors and things that are  
17 predictive or indicative of a risk for future  
18 sexual assault.

19 That's completely different than  
20 red flags. Those are researched and  
21 established factors that can help identify and  
22 deter and prevent sexual assault, or the  
23 potential for sexual assault.

24 BY MR. LOVE:

25 Q. So your question, in and of itself --

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1 your answer to my question, in and of itself,  
2 explains that you are not talking about my  
3 question about red flags. You said that's  
4 completely different from red flags. My  
5 question was about red flags, so let's try  
6 this one more time.

7 Identification of problematic  
8 behaviors, or red flags, are highly influenced  
9 by hindsight bias; correct?

10 MS. LUHANA: Objection to form.  
11 Asked and answered.

12 THE WITNESS: In the context of  
13 looking back on an offender's relationship  
14 with a victim with whom they have a  
15 relationship, red flags are influenced by  
16 hindsight bias.

17 In the context of opportunistic  
18 offenders or things like that, those could be  
19 considered risk factors.

20 BY MR. LOVE:

21 Q. If you could turn to page 13, first  
22 paragraph, second sentence. It reads,  
23 "Identification of problematic behaviors or  
24 'red flags' of child abuse is typically done  
25 in retrospect and is highly influenced by



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1 hindsight bias."

2 Nowhere in that sentence does it  
3 say, in the context of the relationship of the  
4 victim and the offender; correct?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: Nowhere in that  
7 sentence, but in the entire report, we're  
8 talking about an offender who groomed and  
9 established relationships. That's the whole  
10 purpose of my entire report.

11 So to pick one sentence out and  
12 say nowhere in this sentence says anything  
13 about the relationship totally neglects the  
14 entire rest of the report and why this is such  
15 a unique case and how I explain the sex  
16 offender behavior in this report.

17 BY MR. LOVE:

18 Q. People labeled the band director as  
19 weird; right?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: No. It says,  
22 "Rumors included vague allegations that he was  
23 weird."

24 BY MR. LOVE:

25 Q. And they retroactively applied those

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1     allegations as red flags; right?

2                   MS. LUHANA:   Objection to form.  
3     Mischaracterizes the report.

4                   THE WITNESS:   Yes.   It's more  
5     specific than that.   For in -- hindsight bias  
6     with an offender who is engaged with victims  
7     starts to characterize all those behaviors  
8     that are considered normative in the time of  
9     the relationship later as red flags.

10                   That's the problem with hindsight  
11     bias when we're examining relationships  
12     backward, already understanding that offenses  
13     had occurred.

14     BY MR. LOVE:

15             Q.     So in the second paragraph of page 13  
16     on the fourth line, it says, "However, to  
17     equate this retrospective, hindsight view of  
18     Mr. Carter to enabling him and overlooking  
19     clear indices of sexual abuse of children is  
20     simply not fair or accurate."

21                   Did I read that correctly?

22             A.     Correct.

23                   But again, that's different --  
24     completely different than my opinion in the  
25     Uber where they directly evidentiary --

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1 evidence -- in an evidentiary way link things,  
2 like a driver who's being weird or creepy or  
3 kissed, to predictions and future risk of  
4 sexual assault. That's not the same thing.

5 Uber has the alternative to go  
6 forward with their information, whereas this  
7 is about viewing a relationship that -- that  
8 uncovers sexual assault and going backwards  
9 and interpreting relation -- interpreting  
10 behavior that looks normal at the time as a  
11 red flag.

12 Q. So is it your opinion that any time  
13 an Uber driver gets a review that uses the  
14 word "creepy," that Uber driver should be  
15 deactivated?

16 MS. LUHANA: Objection to form.

17 THE WITNESS: Well, unfortunately,  
18 in -- in the way you question me, you always  
19 take me to the ultimate extreme, he should be  
20 deactivated.

21 What Uber should do is attend to  
22 those and monitor and understand that the  
23 factors that they've identified as indices of  
24 potential for future offenses should dictate  
25 their decisions with that driver going

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1 forward.

2                   They know that -- I'd have to look  
3 at my report, I outline it all in there, that  
4 drivers who are described as creepy or who  
5 have IPC incidents are the drivers much more  
6 likely to commit future acts of sexual  
7 assault. So they can do different things  
8 about that.

9                   Did I say anywhere that any of  
10 these one single indices should result in  
11 deactivation? I have never said that and  
12 would not. Uber just doesn't act on those  
13 things.

14 BY MR. LOVE:

15           Q.     You also don't provide anything that  
16 Uber should do when getting a review that says  
17 creepy; right?

18                   MS. LUHANA:   Objection to form.  
19 Misstates her opinions in her report.

20                   THE WITNESS:   Well, my task is to  
21 look at why the Uber environment is ripe for  
22 sexual offending and everything that I lay out  
23 and what Uber knew. It is not to solve Uber's  
24 problems with that, but to highlight that they  
25 know the things that I already knew in my

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1 opinion, and been -- and haven't made choices  
2 about that.

3 MR. LOVE: Understood.

4 BY MR. LOVE:

5 Q. So, again, nothing in your opinion  
6 said what Uber should do in the face of one of  
7 these indices; right?

8 MS. LUHANA: Objection to form.  
9 Misstates her -- the opinions in her report.

10 THE WITNESS: I think I provide  
11 issues around deterrence that give general  
12 advice, but I was not hired by Uber to solve  
13 their sexual assault problem.

14 I was hired to look at all the  
15 elements and all the documents and all the  
16 issues involved, and highlight the issues that  
17 they're having to help elucidate why hundreds  
18 of thousands of sexual assaults have gone on  
19 in that platform.

20 BY MR. LOVE:

21 Q. In this band director case, before  
22 the band director, the school had another  
23 instance of sexual abuse reported; correct?

24 A. Yes. There was another teacher.

25 Q. Just the year before; right?

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1 A. I -- I -- I don't know exactly when.

2 Q. And that teacher was convicted of  
3 sexual misconduct?

4 MS. LUHANA: Objection to form.

5 THE WITNESS: Correct. The school  
6 did everything, again, to expose and not  
7 protect that perpetrator.

8 BY MR. LOVE:

9 Q. Well, so if you could go to page 1 of  
10 your report.

11 MS. LUHANA: This is still  
12 Exhibit 17?

13 THE WITNESS: This -- the Carter  
14 report?

15 MR. LOVE: Yes.

16 THE WITNESS: Okay.

17 BY MR. LOVE:

18 Q. In the second paragraph, three  
19 sentences up, it says, "The claim asserts that  
20 the Pittston Area School District has a  
21 'history of endangering students,' citing  
22 other cases of sexual abuse in the district,  
23 namely a case in 2017 involving a female  
24 teacher, Colleen McGarry."

25 Did I read that correctly?

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1 A. Yes.

2 Q. First of all, now that you know this  
3 was in 2017, it was a year before they caught  
4 Mr. Carter; correct?

5 MS. LUHANA: Objection to form.

6 THE WITNESS: I can't remember  
7 when Mr. Carter was -- so I guess it was --  
8 I'll trust you that it was 2018.

9 Yes, it was 2018.

10 MR. LOVE: Okay.

11 BY MR. LOVE:

12 Q. And you say, "citing other cases of  
13 sexual abuse, namely Colleen McGarry." {Sic}

14 What other case are you referring  
15 to?

16 MS. LUHANA: Objection to form.

17 THE WITNESS: That -- that does  
18 not reflect my opinion; that reflects the  
19 Complaint in which I disagreed with the  
20 Complaint that they had one other case.

21 There was nothing systemically to  
22 suggest that they did anything to protect it.  
23 And I'm always critical of an -- of an  
24 environment that would just transfer a  
25 teacher, not report, not cooperate with law

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1 enforcement, similar to what the Catholic  
2 church did with priests.

3 You know, this school district in  
4 no way engaged in any of that behavior to  
5 protect their own self or their reputation.

6 BY MR. LOVE:

7 Q. The band director, himself, actually  
8 reported sexual abuse of a student; correct?

9 MS. LUHANA: Objection to form.

10 THE WITNESS: I believe so.

11 BY MR. LOVE:

12 Q. And that was not reporting himself;  
13 right?

14 A. No, he did not report himself.

15 Q. And it was not reporting Colleen  
16 McGarry, was it?

17 MS. LUHANA: Object to form.

18 THE WITNESS: I -- I can't recall.

19 BY MR. LOVE:

20 Q. Now, your ultimate opinion, if you  
21 look at the bottom of that paragraph that we  
22 were just looking at -- oh, sorry.

23 MS. LUHANA: Still on page 1,  
24 counsel?

25 MR. LOVE: Yes. Yes. I actually



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1 have the wrong cite, though.

2 BY MR. LOVE:

3 Q. Your ultimate opinion was that there  
4 was no action or omission by the school  
5 district that caused or allowed the sexual  
6 abuse to occur; is that correct?

7 MS. LUHANA: Objection to form.

8 Counsel, should she go to the last  
9 page? Is that what --

10 MR. LOVE: I'm just asking if that  
11 was her ultimate opinion.

12 THE WITNESS: I'd have to read the  
13 verbiage of my ultimate opinion.

14 (Whereupon, the witness reviews  
15 the exhibit.)

16 THE WITNESS: I believe that the  
17 ultimate opinion that you quoted would be a  
18 legal opinion. I believe that I analyzed this  
19 situation and said that in my opinion, the  
20 school did not enable or provide an  
21 environment which protected, ignored, or  
22 facilitated his abuse of these children  
23 knowingly.

24 BY MR. LOVE:

25 Q. And you said policies could be

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1 improved; correct?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: Sure. Policies can  
4 be improved, right.

5 BY MR. LOVE:

6 Q. But despite policies, offenders will  
7 offend; correct?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: Right. Especially  
10 when they're not -- there's no deterrence or  
11 consequences for those policies, violations.

12 BY MR. LOVE:

13 Q. Now, there was no official school  
14 policy on sexual assault at Pittston School  
15 District, was there?

16 MS. LUHANA: Objection.

17 THE WITNESS: There is certainly  
18 policies about sexually abusing children.

19 BY MR. LOVE:

20 Q. At Pittston School District, was  
21 there a -- a sexual abuse policy?

22 MS. LUHANA: Objection to the form  
23 of the question.

24 THE WITNESS: In my knowledge,  
25 legally, and in schools, there is policies and

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1 laws against sexually abusing students.

2 MR. LOVE: Sure.

3 BY MR. LOVE:

4 Q. There's laws against sexually  
5 assaulting anyone; correct?

6 A. Right.

7 Q. Okay.

8 But this school, at least  
9 according to your report -- withdrawn.

10 There is no mention of a sexual  
11 assault policy by the school in your report;  
12 correct?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: That may be true,  
15 but that doesn't mean they didn't have a  
16 policy.

17 MR. LOVE: Okay.

18 BY MR. LOVE:

19 Q. The only thing that you reference is  
20 what teachers called The Golden Rule of  
21 working in schools; right?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: Right. That was  
24 colloquially mentioned in that school  
25 environment, that every teacher who was

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1     deposed or talked about, The Golden Rule is  
2     you don't abuse the children.

3     BY MR. LOVE:

4             Q.     But that wasn't the rule, was it?

5                     MS. LUHANA:   Objection to form.

6                     THE WITNESS:   Well, do you want me  
7     to swear?   I'll be glad to.

8                     MR. LOVE:    Please.   Please do.

9     Let me know what the actual rule is.

10                    THE WITNESS:   I'm being directed  
11   not to.   It's in my report.

12                    MR. LOVE:    Okay.

13    BY MR. LOVE:

14             Q.     But it was don't...curse word...the  
15   kids; right?

16             A.     Right.

17             Q.     Not don't abuse the kids?

18             A.     Right.

19             Q.     Okay.

20             A.     I didn't want to swear on the record.

21             Q.     And you thought that that was a zero  
22   tolerance policy?

23                     MS. LUHANA:   Objection to form.

24                     THE WITNESS:   No.   I talked about  
25   that as the colloquial understanding that

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1     there was a general knowledge, using that  
2     illustrative for example of everybody knew not  
3     to do that and that it was just a hard stop.

4     BY MR. LOVE:

5             Q.     Well, you saw that as them  
6     understanding there was serious consequences  
7     to abusing the children; right?

8             MS. LUHANA:   Objection to form.

9             THE WITNESS:   I thought that, as  
10    an indices, that that environment, in even the  
11    most crude and colloquial way, knew that you  
12    do not sexually abuse kids, bottom line.

13            MR. LOVE:   Not exactly my  
14    question.

15    BY MR. LOVE:

16            Q.     So my question is, that rule showed  
17    you, or that colloquial rule showed you that  
18    Mr. Carter understood the consequences of  
19    sexual abuse?

20            MS. LUHANA:   Objection to form.

21            THE WITNESS:   Well, that -- that  
22    wasn't your question, but he did know the  
23    consequences of the sexual abuse --

24            MR. LOVE:   Right.

25            THE WITNESS:   -- because he took

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1 effort to hide it.

2 BY MR. LOVE:

3 Q. And any sexual abuser knows that  
4 legally what they're doing is wrong; right?

5 MS. LUHANA: Objection to form.

6 MR. LOVE: Withdrawn.

7 BY MR. LOVE:

8 Q. Now, you write, on page 14, in the  
9 first paragraph, about halfway through, it  
10 says, "To believe that 'if only' an offender  
11 knew the policy prohibiting abuse or  
12 inappropriate behavior, he would not engage in  
13 it simply defies reality."

14 Did I read that correctly?

15 A. You did.

16 Q. So whether or not an offender knows  
17 about a policy that would prohibit their  
18 behavior does not actually prevent or deter a  
19 sexual offender; correct?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: Exactly.

22 That's why I have such a hard time  
23 that Uber promotes its community guidelines as  
24 sufficient education for riders and passengers  
25 about sexual assault on the platform.

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1 Not only aren't they policies,  
2 they're just guidelines.

3 BY MR. LOVE:

4 Q. So to clarify, it doesn't matter  
5 whether an offender knows or doesn't know  
6 about a policy; right?

7 MS. LUHANA: Objection to form.

8 THE WITNESS: It's not as simple  
9 as that. It matters if they know about the  
10 rules, if the rules are clearly defined and  
11 enforced and there are consequences for that  
12 policy.

13 It's not the policy in and of  
14 itself. It's not a paragraph on a website  
15 under community guidelines that says no sex no  
16 matter what. It's zero tolerance for sexual  
17 assault.

18 If there's tol -- if you sexually  
19 assault somebody in our environment, we will  
20 cooperate. We will not protect you. We will  
21 make action for the victim. And in the  
22 meantime, we'll do what we can do to deter you  
23 by not letting you alone in the school room,  
24 putting up cameras, making you sign off on  
25 mandatory trainings, every year on mandatory

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1 reporting, and have other teachers enlisted as  
2 in monitoring your behavior if -- and bringing  
3 it to the administration and encouraging that.

4 BY MR. LOVE:

5 Q. I want to follow up on a couple  
6 things that you just said.

7 One, you wrote here that it  
8 matters not if an offender knows about the  
9 policy, it would not prevent sexual abuse;  
10 right?

11 MS. LUHANA: Objection to form.

12 BY MR. LOVE:

13 Q. That's what this opinion says?

14 A. And that's what I just said. It's  
15 not the policy in and of itself that matters.

16 Q. Okay.

17 And for training, you said that  
18 Uber should have better training, essentially.  
19 But this school failed to give legally  
20 mandated training to Mr. Carter; right?

21 MS. LUHANA: Objection to form.

22 THE WITNESS: I don't know that  
23 that's true. I believe he was a mandated  
24 reporter and there was mandated training. And  
25 he knew he was a mandated reporter.



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1 BY MR. LOVE:

2 Q. Nowhere in here do you say that he  
3 was given mandated reporter training; right?

4 MS. LUHANA: Objection to form.

5 THE WITNESS: I'd have to review  
6 again. I know I talk about mandated training  
7 in there and that he was aware he was a  
8 mandated reporter.

9 MR. LOVE: Okay.

10 BY MR. LOVE:

11 Q. So if you go to page 7, the second  
12 paragraph, about halfway through, it says,  
13 "Additionally, I do not believe that mandated  
14 reporter training for Mr. Carter or Mr. V  
15 would have prevented the sexual abuse"; right?

16 MS. LUHANA: Objection to form.

17 THE WITNESS: That's completely  
18 different than you saying he did -- the school  
19 did not provide mandating training -- mandated  
20 trainer reporting.

21 BY MR. LOVE:

22 Q. Well, it says "would have"; right?

23 MS. LUHANA: Objection to form.

24 THE WITNESS: Okay. I'm -- I'm a  
25 little unclear about what you're getting at or

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1 what you're asking me. Sorry.

2 BY MR. LOVE:

3 Q. This sentence indicates that they did  
4 not provide the mandated training; right?

5 MS. LUHANA: What sentence are you  
6 looking at, counsel? One for --

7 MR. LOVE: The one I just read.

8 MS. LUHANA: Where -- it's on  
9 page -- we're not -- I don't think. Okay,  
10 sorry.

11 THE WITNESS: No, it's -- it's  
12 right there.

13 MS. LUHANA: Okay.

14 THE WITNESS: This is a -- this is  
15 an analysis of something that the -- that was  
16 presented in the Complaint that more stringent  
17 mandatory reporting, training, could have been  
18 preventative.

19 And I'm saying there's no  
20 necessary evidence of that 'cause he knew he  
21 was a mandated reporter. He used ChildLine.  
22 And so you might be picking apart verbiage at  
23 a much deeper level.

24 MR. LOVE: Okay.

25 BY MR. LOVE:

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1 Q. Let's go down to the third paragraph  
2 under the next bolded title, and it starts  
3 "Second."

4 MS. LUHANA: What page?

5 MR. LOVE: Same page.

6 THE WITNESS: Right. It's right  
7 here.

8 BY MR. LOVE:

9 Q. And it says, "Second, the idea that  
10 if Mr. Carter had been given a training, he  
11 would not have abused or continued to abuse  
12 the victims is illogical."

13 This indicates that he was not  
14 given a training; correct?

15 MS. LUHANA: Objection to form.

16 THE WITNESS: This is a specific  
17 training that the school would have reiterated  
18 individual than the state training. Everybody  
19 has to take a state training every year.

20 And for the school to reiterate  
21 that training doesn't say anything about  
22 preventative, that it would have prevented  
23 this offense.

24 BY MR. LOVE:

25 Q. If you could go to the last sentence

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1 on that page, it says, "No policy or,  
2 including the mandated reporter policy or  
3 training, would have prompted him to report  
4 something he knew was wrong, illegal, and  
5 potentially had consequences for him,  
6 something he stated as reported by" --  
7 redacted -- "in his deposition."

8 So this indicates that, in fact,  
9 it was the mandated reporter policy and  
10 training that was not given to him; correct?

11 MS. LUHANA: Objection to form.

12 THE WITNESS: This is getting into  
13 something I can't recall the intricacies of,  
14 so...

15 BY MR. LOVE:

16 Q. Now, if you could go to page 12. The  
17 very first sentence says, "A brief examination  
18 of the available facts in the sexual abuse  
19 case of Colleen McGarry would not, in my  
20 opinion, trigger a need for an overhaul of  
21 policy or unusually increased vigilance for  
22 the Pittston Area School District."

23 And then if you read the last  
24 sentence of the second paragraph, it says,  
25 "There is little reason to generalize from her

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1 case, her behavior, or her conviction,  
2 especially given that she was one case for 190  
3 teachers and 266 support staff."

4 190 teachers and 266 support  
5 staff. That's 456 employees; right?

6 A. Yeah.

7 Q. And one out of 456 is .219 percent?

8 MS. LUHANA: Objection to form.

9 THE WITNESS: Oh.

10 BY MR. LOVE:

11 Q. I'll represent to you that one out of  
12 456 is .219 percent and that is higher than  
13 the Uber incident rate; correct?

14 MS. LUHANA: Objection to form.

15 THE WITNESS: They are not  
16 complete -- they are not comparable  
17 whatsoever.

18 BY MR. LOVE:

19 Q. I'm not asking about comparability,  
20 I'm just asking if it's higher?

21 MS. LUHANA: Objection to form.

22 BY MR. LOVE:

23 Q. Is .219 higher than the Uber incident  
24 rate?

25 MS. LUHANA: Objection to form and

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1 the comparison.

2 THE WITNESS: You know, it is so  
3 easy to play with numbers and get them out of  
4 context, and I'm not -- if you were just  
5 asking me a general math question and I could  
6 answer that.

7 But this is in the context of  
8 comparing apples to oranges and offenders to  
9 offenders. These type of offenders are not  
10 even comparable to the offenders in my opinion  
11 in the -- in Uber, my Uber report.

12 MR. LOVE: Go again.

13 BY MR. LOVE:

14 Q. As a simple math question .219 is  
15 higher than the Uber incident rate; yes or no?

16 MS. LUHANA: Objection to form and  
17 the comparison.

18 THE WITNESS: I'm sorry, but  
19 you -- you can't ask in a deposition a simple  
20 math question so that me, as a witness, can  
21 say I agree that this is less than that.

22 This is about comparing incidents  
23 of sexual assault and the 500 and some  
24 thousand incidents of sexual assault and  
25 offenders in -- of children in a school

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1 district who have long-term relationships with  
2 their victims versus offenders who use the  
3 Rideshare opportunity to opportunistically  
4 offend.

5 MR. LOVE: Dr. Valliere, I  
6 understand the context. I understand your  
7 opinion about comparing them. You've already  
8 stated it and your counsel will get a chance  
9 to ask you questions. But you do have to  
10 answer my question and you have not.

11 MS. LUHANA: Counsel, she has  
12 answered your question.

13 BY MR. LOVE:

14 Q. Is -- is --

15 MS. LUHANA: You're -- you're  
16 specifically asking about an incident rate, so  
17 it's not just pure math because you're tying  
18 in trips into it as well. So it's a very  
19 different --

20 (Overlapping Speakers.)

21 MR. LOVE: I am asking if one  
22 number is larger than another number. It is a  
23 straightforward question. That's all I'm  
24 asking.

25 BY MR. LOVE:

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1 Q. Is .219 higher than the number we saw  
2 for Uber incident rate?

3 MS. LUHANA: Objection to form.  
4 Asked and answered. Improper comparison.

5 THE WITNESS: It is an improper  
6 comparison because this is number of people.  
7 What you're talking about is number of rides.

8 MR. LOVE: I'm not --

9 THE WITNESS: One percent if you  
10 give a thousand rides, it changes the numbers  
11 all together. This is not an incident rate  
12 comparison.

13 BY MR. LOVE:

14 Q. Is there something confusing about  
15 the question in and of itself?

16 A. Yes. You are talking about  
17 percentage of teachers versus percentage of a  
18 billion rides. That is completely  
19 inappropriate.

20 If you told me percentage of  
21 teacher interactions per one time spent with a  
22 student compared to percentage of driver  
23 interactions with a potential victim, that  
24 would be more comparable.

25 Q. But, Dr. Valliere, I'm not comparing



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1     them.   I'm just asking --

2           A.     And they're --

3           Q.     -- if one number is higher than the  
4     other.   That is it.

5           A.     Well, if there's no comparison,  
6     there's no reason to say that one is higher  
7     than another.   They're not equal numbers to  
8     compare or say one is higher than one is not.

9                   Because I could ask you how many  
10    oranges are in a grocery store versus how many  
11    passengers in an airplane, and they had -- and  
12    say well, the incident rate of oranges is  
13    lower than the number of passengers in an  
14    airplane.   It doesn't make any sense  
15    whatsoever.

16          Q.     Sure.

17                   That's what I'm asking you to do,  
18    just -- just the numbers.   Just the numbers.

19          A.     I'm not willing to compare those in  
20    the context of sex offending and sexual  
21    assault rates.

22          Q.     I am taking it out of the context,  
23    Dr. Valliere.   There is no context.   I'm  
24    asking you if a number is higher than a  
25    number.   That's it.

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1 Is .219 higher than .00002; yes or  
2 no?

3 MS. LUHANA: Objection to form.  
4 Vague question.

5 THE WITNESS: With zero context,  
6 zero incidents, zero prevalence, zero ability  
7 of what you're even measuring, those numbers  
8 are different, and the .2 whatever number you  
9 said is higher than .0002.

10 MR. LOVE: Okay.

11 BY MR. LOVE:

12 Q. Certainly --

13 A. If you compare incidents and  
14 prevalence, they have to be measuring exactly  
15 the same thing.

16 Q. Certainly, Dr. Valliere, you would  
17 not hold Uber to a higher standard of care  
18 than a school that cares for children; right?

19 MS. LUHANA: Objection to form.

20 THE WITNESS: I would.

21 BY MR. LOVE:

22 Q. You would hold Uber to a higher  
23 standard of care than a school that looks  
24 after children?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: I would, because  
2 Uber creates -- Uber profits off of a specific  
3 environment that makes it far greater risk of  
4 sexual assault to vulnerable victims; risk  
5 situations that they, themselves, have  
6 studied, identified and quantified and  
7 continue to fail to intervene in.

8 Schools have instituted many,  
9 many, many things to further protect their  
10 students and prevent any kind of incidents.  
11 That's the whole point.

12 I'm not comparing schools to Uber,  
13 but I am holding Uber accountable for knowing,  
14 being trained on, doing their own studies on  
15 the fact that sexual assault is highly -- that  
16 environment is highly ripe for sexual assault.

17 They know the risk factors. They  
18 know the issues with education, training and  
19 deterrence and consequenting in their own  
20 environment. So schools already have a far  
21 higher standard to live up to than Uber has  
22 held itself to.

23 BY MR. LOVE:

24 Q. To be clear, the only safety  
25 mechanism -- sorry. Withdrawn. I'm going to

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1 use your words.

2 The only thing to further their  
3 student safety and prevent any kind of  
4 incident that you mention in this report is  
5 having cameras in the school that the offender  
6 could avoid; correct?

7 MS. LUHANA: Objection to form.  
8 Misstates the report.

9 THE WITNESS: Yeah, that's not  
10 what I've said at all.

11 BY MR. LOVE:

12 Q. You don't identify, in this report,  
13 any other safety mechanism that the school  
14 implemented?

15 MS. LUHANA: Objection to form.

16 THE WITNESS: That was not my task  
17 in this report.

18 MR. LOVE: But that's not my  
19 question.

20 THE WITNESS: The whole issue --  
21 you -- it has to be your question because when  
22 I am giving a report, my -- my report wasn't  
23 to analyze the school's safety issues. Mine  
24 was to analyze was this particular offender in  
25 this particular circumstance with these

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1 particular victims easily identifiable by any  
2 observer.

3 It was not to do a safety analysis  
4 of the structure of the school. It was not at  
5 all the same referral issue as I was asked to  
6 do in Uber. So I wouldn't mention those  
7 things. I wouldn't talk about those things.

8 MS. LUHANA: Counsel, we've been  
9 going for a while. Is now a good time for a  
10 break?

11 MR. LOVE: If I can get past this  
12 one point, it would be a great time for a  
13 break.

14 MS. LUHANA: Okay.

15 MR. LOVE: I just have a few more  
16 questions to follow up on that.

17 MS. LUHANA: Still on this report?

18 MS. LUHANA: Yep.

19 MR. LOVE: On what we were just  
20 talking about.

21 BY MR. LOVE:

22 Q. So your task in this report was to  
23 decide whether or not this school allowed the  
24 sexual abuse to happen; correct?

25 MS. LUHANA: Objection to form.

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1 THE WITNESS: No. My task in this  
2 report was this report came to fruition  
3 because of the Complaint that alleged those  
4 things.

5 My task was to analyze the -- the  
6 influence of the offender in the environment,  
7 look at the victim behavior and -- right  
8 there, and see these referral questions;  
9 whether there was a preventative impact of  
10 mandatory reporting, whether the conviction of  
11 a prior sex offender should have signified a  
12 systematic problem, talk about the victims'  
13 reluctance to disclose and the secret nature  
14 of abuse, the consistency and reliability on  
15 relying on red flags, the effectiveness of  
16 policy as a deterrent and the description and  
17 explanation of the techniques, manipulations  
18 used by sex offenders to succeed in committing  
19 abuse without detection.

20 There is nothing in there about  
21 negligence, safety features or anything.

22 BY MR. LOVE:

23 Q. The very last --

24 A. Those were my specific tasks.

25 Q. The very last sentence in this report

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1 before "I have provided all these opinions to  
2 a reasonable degree of psychological  
3 certainty" --

4 MS. LUHANA: So it's on the last  
5 page, counsel?

6 MR. LOVE: Yes.

7 MS. LUHANA: Okay. One second.  
8 It's on page 16, I think.

9 THE WITNESS: I think it's 14  
10 really, I think two pages are referenced.

11 BY MR. LOVE:

12 Q. The very last sentence says "There  
13 is" --

14 MS. LUHANA: I'm not there yet.  
15 Just wait a second.

16 There we go. Okay. Sorry. No  
17 worries.

18 BY MR. LOVE:

19 Q. The very last sentence is, "There is  
20 little in his behavior to suggest that he was  
21 enabled, protected, or supported in his  
22 offending through acts of blindness,  
23 negligence, omission, or commission by the  
24 system that he utilized for access to his  
25 victims and for his status and authority."

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1 Did I read that correctly?

2 A. Right.

3 Q. And the only safety mechanism that  
4 you mention in this report is cameras?

5 A. I don't --

6 MS. LUHANA: Objection to form.

7 THE WITNESS: I don't believe I  
8 even mention cameras as a safety mechanism. I  
9 addressed other things that I was asked to  
10 address. I was not evaluating safety features  
11 at all in this report.

12 BY MR. LOVE:

13 Q. So whether or not you were asked to  
14 review them, there is nothing else  
15 safety-related mentioned in this report that  
16 the school implemented for the students'  
17 safety; correct?

18 MS. LUHANA: Objection to form.

19 THE WITNESS: It does have to do  
20 with whether or not I'm asked.

21 BY MR. LOVE:

22 Q. Well, I'm asking you to answer this  
23 question, regardless of that fact.

24 Nothing in this report mentions  
25 any other policy, facility or mechanism by



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1 which the school attempted to keep children  
2 safe; correct?

3 MS. LUHANA: Objection to form.

4 THE WITNESS: Correct.

5 MS. LUHANA: Misstates --  
6 misstates what's in the report.

7 THE WITNESS: I stay -- when I am  
8 given a task, I stay within my referral  
9 issues.

10 MR. LOVE: Thank you. We can go  
11 off the record.

12 THE VIDEOGRAPHER: Going off the  
13 video record. The time is 4:41.

14 (Whereupon, a recess was taken at  
15 the above time.)

16 THE VIDEOGRAPHER: We are back on  
17 the video record. The time is 4:52 p.m.

18 This begins Media Unit No. 6.

19 BY MR. LOVE:

20 Q. Dr. Valliere, most sexual assault is  
21 perpetrated by someone the survivor knows; is  
22 that right?

23 MS. LUHANA: Objection to form.

24 THE WITNESS: Yeah, generally.

25 BY MR. LOVE:

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1 Q. Yet as a society, we continue to  
2 overestimate the danger of strangers; right?

3 MS. LUHANA: Objection to form.

4 THE WITNESS: I -- we -- yes, we  
5 do overestimate the danger of strangers in  
6 terms of risk for sexual assault.

7 BY MR. LOVE:

8 Q. And women fear being sexually  
9 assaulted by a stranger as opposed to an  
10 acquaintance; correct?

11 MS. LUHANA: Objection to form.

12 THE WITNESS: That's generally  
13 true, yes.

14 MR. LOVE: If we can pull up  
15 Tab 20. This will be Exhibit 18.

16 (Whereupon, a document was marked,  
17 for identification purposes, as Exhibit 18.)

18 MR. LOVE: Dr. Valliere, let me  
19 know when you have that open.

20 THE WITNESS: My addresses?

21 MR. LOVE: Yes.

22 BY MR. LOVE:

23 Q. Now, this is -- is where you treat  
24 your patients; correct?

25 A. Yeah, those three buildings -- the

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1 three rightmost buildings to that -- in that  
2 image.

3 Q. So on the far right, the brownish  
4 brick building, who do you treat there?

5 A. With the dark blue shutters?

6 Q. Are they dark blue? Yes.

7 A. Oh, that's the -- under that tree and  
8 around the side is the entrance to the  
9 offender program.

10 Q. Okay.

11 And then what about the middle  
12 door?

13 A. We don't use that. That's --  
14 (Overlapping Speakers.)

15 Q. And the next -- and the next door  
16 over?

17 A. That's where we treat other people,  
18 not -- not offenders.

19 Q. And there's no security in these  
20 buildings; right?

21 MS. LUHANA: Objection to form.

22 BY MR. LOVE:

23 Q. Like a security guard?

24 A. There's no -- we never needed a  
25 security guard. There's a security alarm

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1 system that everybody has.

2 MR. LOVE: Okay. We can pull  
3 that -- put that aside. And if you just give  
4 me one minute, I think I might be done.

5 (Pause.)

6 MR. LOVE: This is all the  
7 questions I have for you right now. Thank  
8 you, Dr. Valliere.

9 THE WITNESS: The best surprise of  
10 the day.

11 MS. LUHANA: Great. Counsel, I  
12 may have some questions, so let's take a -- I  
13 wasn't expecting this. Let's take a 10 to  
14 15-minute break.

15 MR. LOVE: Sounds good. Let's go  
16 off the record, please.

17 THE VIDEOGRAPHER: Going off the  
18 record. The time is 4:55 p.m.

19 (Whereupon, a recess was taken at  
20 the above time.)

21 THE VIDEOGRAPHER: We are back on  
22 the video record. The time is 5:36 p.m.

23 BY MS. LUHANA:

24 Q. Good evening, Dr. Valliere.

25 A. Good evening.

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1 Q. It's been a long day. I just have  
2 some -- some questions for you, so I hope...

3 MS. LUHANA: Let's please mark, as  
4 Exhibit 19, your report that has been  
5 submitted in this case from September 26th.

6 (Whereupon, a document was marked,  
7 for identification purposes, as Exhibit 19.)

8 BY MS. LUHANA:

9 Q. So, Dr. Valliere, you expressed  
10 earlier on, counsel had asked you about the  
11 documents you relied on to come to your  
12 conclusions in preparing and submitting this  
13 report.

14 Do you recall that?

15 A. I do.

16 Q. Okay.

17 And he mentioned documents that  
18 were provided to you by the attorneys that  
19 were involved.

20 Do you recall that discussion?

21 A. Yes.

22 Q. So can you please provide, in terms  
23 of your methodology, what you did in this case  
24 for your report to arrive at your opinions?

25 A. Sure.

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1 I laid it out in great --

2 MR. LOVE: Object to form. Object  
3 to form.

4 THE WITNESS: I laid it out in  
5 significant detail on page 5 and 6 of my  
6 report. But foundationally, I relied on my  
7 decades of expertise in sexual offenders,  
8 criminology, victim behavior and different  
9 areas of psychology, my understanding of the  
10 research and the literature in the field, to  
11 have the expertise to come to this.

12 And then for this specific  
13 methodology, it doesn't differ from any other  
14 way I do forensic or clinical evaluations in  
15 that I review documentation. In this case, I  
16 reviewed Uber documentation, internal  
17 documents, marketing efforts, evidence,  
18 deposition, policies, ads, internal documents  
19 regarding all the safety features, screening,  
20 background checks, everything I opined on in  
21 my report.

22 And I also asked the attorneys to  
23 provide information and documents that I felt  
24 would be relevant to my report, as well as had  
25 access to Everlaw to do searches that were

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1 necessary.

2 I looked at old and current  
3 depositions that were relevant, and by "old" I  
4 mean preceding my report, 36 -- 3 -- 30(b)(6)  
5 witnesses in evidence. So I did that.

6 And none of these -- this is what  
7 I do in -- in common standard practice, is you  
8 look at documents that provide information and  
9 try to get a full picture of the issue  
10 involved from both sides.

11 BY MS. LUHANA:

12 Q. And so do you believe you had all the  
13 evidence you needed to support your opinions  
14 here?

15 A. I do.

16 MR. LOVE: Object to form.

17 BY MS. LUHANA:

18 Q. And you, in fact, requested documents  
19 related to Uber's policies, as well as  
20 deposition testimony and marketing documents,  
21 screening, training, deactivation documents,  
22 amongst other things?

23 MR. LOVE: I object to form, and I  
24 objected to the last question as well, but it  
25 doesn't look like it made it on to the record.

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1 So objection to both of the last questions.

2 THE WITNESS: Yes.

3 BY MS. LUHANA:

4 Q. Doctor, counsel had previously asked  
5 you about your expertise and whether you had  
6 specifically formal education or degrees in  
7 marketing, as well as public relations,  
8 whether you had -- you were a regulatory  
9 expert, had formal education statistics,  
10 corporate governance --

11 (Court Reporter Clarification.)

12 BY MS. LUHANA:

13 Q. It was -- you were asked -- let me  
14 retract the question and rephrase it.

15 Doctor, earlier, counsel had asked  
16 you whether you had formal education in  
17 marketing, in public relations, in statistics,  
18 in law enforcement, in cover -- corporate  
19 governance, as well as if you were a  
20 regulatory expert.

21 Do you recall that line of  
22 questioning?

23 A. I do.

24 MR. LOVE: Objection to form.

25 BY MS. LUHANA:



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1 Q. So, Doctor, do you believe the only  
2 way to have expertise in any of these areas is  
3 only through formal education?

4 MR. LOVE: Object to form.

5 THE WITNESS: No, especially in  
6 the context of rendering my opinion, which was  
7 about sexual assault on the Uber platform.

8 MS. LUHANA: Okay.

9 BY MS. LUHANA:

10 Q. And so can you explain to me the  
11 kinds of expertise and experience and training  
12 that you have?

13 A. I have expertise in general  
14 psychology and information about what  
15 influences the way people think and feel. I  
16 have understanding of consumer sentiment,  
17 building relationships, what building a sense  
18 of familiarity does to risk assessment and  
19 people's risk assessment.

20 I understand the biases that are  
21 utilized and supported in decision-making. I  
22 understand things about sex offenders, women,  
23 psychology, victim behavior, risk analysis,  
24 and I understand how to interpret all the  
25 documents that I relied on from Uber and their

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1 own -- and how to understand how Uber's own  
2 statements and documentation support some of  
3 the opinions I had pre-established.

4 Q. Doctor, counsel had asked you  
5 questions about your book, Unmasking the  
6 Sexual Offender.

7 Do you recall that?

8 A. Yes.

9 Q. And he had asked about when it was  
10 published.

11 However, when did you submit the  
12 book for publication; do you recall?

13 MR. LOVE: Object to form.

14 THE WITNESS: I wrote it  
15 through 2021 and into 2022, and I believe I  
16 submitted it for my final drafts -- not my  
17 final drafts, my initial manuscript in  
18 June 2022, and then received the edited  
19 manuscript back for review in September of  
20 2022. And then finalized it.

21 MS. LUHANA: Okay.

22 BY MS. LUHANA:

23 Q. And you were asked about when you  
24 were -- became involved in the Lyft matter.

25 Can you provide some context of

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1 when you were involved in the Lyft matter?

2 I believe you testified about it  
3 previously, so can you explain when you were  
4 reached out to discuss the Lyft matter?

5 MR. LOVE: Objection.

6 THE WITNESS: Oh, sorry.

7 To my best recollection, it was  
8 early in 2022 that I was contacted to talk  
9 just about victim behavior because my victim  
10 book had already come out by Attorney Boundas,  
11 for just some general questions, and then  
12 asked to work specifically on the Lyft case to  
13 talk about initially victim behavior, then  
14 offender behavior.

15 I began work on that Lyft report  
16 either very, very late in 2022, like December,  
17 but I know I was working on it in  
18 January 2023, and I believe my first report I  
19 provided in February 2023, and the deposition  
20 was in March 2023.

21 BY MS. LUHANA:

22 Q. You were asked questions previously  
23 about comparing one picture, let's say, a  
24 picture of someone -- a driver's license  
25 versus, let's say, a picture on a passport.

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1 Do you recall that?

2 A. I do.

3 Q. Do you think that's an appropriate  
4 way to do a background check?

5 MR. LOVE: Object to form.

6 THE WITNESS: It's not anything I  
7 would ever use or rely on as a background  
8 check.

9 BY MS. LUHANA:

10 Q. And -- and do you know the accuracy  
11 of comparing one picture to another picture to  
12 identify if it's the same person?

13 MR. LOVE: Object to form.

14 THE WITNESS: By a human being, I  
15 have no idea. I imagine you'd have to have  
16 some -- something else for that.

17 BY MS. LUHANA:

18 Q. Some kind of facial recognition or  
19 something like that technology to assess the  
20 identity and the similarity of the same people  
21 on those two pictures?

22 MR. LOVE: Object to form and  
23 leading.

24 THE WITNESS: Yeah. You'd have to  
25 have some kind of technology or something.

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1 MS. LUHANA: Okay.

2 BY MS. LUHANA:

3 Q. Doctor, do you remember talking about  
4 Richard, who was an offender that you  
5 discussed in -- in your book, Unmasking the  
6 Sexual Offender?

7 A. I do.

8 Q. Okay.

9 And so how long ago was that  
10 incident?

11 A. I believe it was 1993 or 1994 when I  
12 was just beginning my career and just  
13 barely -- like I said, I was taking over an  
14 offender program that was being run much  
15 differently than I began to run it.

16 Q. And so that was -- you were asked  
17 questions about some incident that took place  
18 about 32 years ago?

19 MR. LOVE: Object to form.

20 THE WITNESS: Correct.

21 BY MS. LUHANA:

22 Q. And so how old were you when -- when  
23 that incident took place?

24 A. Oh, 27.

25 Q. So you were in your 20s?

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1 A. Maybe 28.

2 MR. LOVE: Object to form.

3 BY MS. LUHANA:

4 Q. And early on -- that was early on in  
5 your practice; correct?

6 MR. LOVE: Object to form.

7 THE WITNESS: Yes, right at the  
8 beginning.

9 BY MS. LUHANA:

10 Q. And so there were some -- some  
11 lessons and teachings from what transpired  
12 with that incident; correct?

13 MR. LOVE: Object to form and  
14 leading.

15 THE WITNESS: Yes.

16 BY MS. LUHANA:

17 Q. And so can -- can you provide us with  
18 what -- what takeaways you have from that  
19 situation?

20 A. Well, there's so many that change in  
21 progress, even if it -- in -- in offenders,  
22 may serve their deviant behavior versus  
23 pro-social behavior, like doing better,  
24 cleaning up or appearing more pro-socially;  
25 that someone's sexual deviance is more fluid

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1 and can't be only defined by the victim in  
2 that particular case. Just thinking that this  
3 person would only abuse young boys was a  
4 mistake and that there were other things and  
5 other things that aroused him; to do a more  
6 thorough assessment of what somebody's  
7 motivation to help another person is.

8 So there were many lessons.

9 Q. And we were shown Exhibit 18  
10 previously and a picture of your practices and  
11 where they're located.

12 Do you recall that?

13 A. Yes.

14 Q. Okay.

15 And so you had testified earlier  
16 about the offender program and a space for  
17 that versus where victims, for example, are  
18 treated; correct?

19 A. Correct.

20 MR. LOVE: Object to form.

21 THE WITNESS: Yes.

22 MS. LUHANA: What's your  
23 objection?

24 MR. LOVE: Leading.

25 MS. LUHANA: She had testified

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1 earlier about that; correct? Anyway.

2 BY MS. LUHANA:

3 Q. So -- so, as I said, you had  
4 testified earlier about the offender program  
5 and that space versus where victims are  
6 treated; correct?

7 A. Yes.

8 Q. Okay.

9 And so what's the policy you have  
10 in terms of when you're treating victims  
11 versus when you're treating offenders?

12 MR. LOVE: Object to form.

13 THE WITNESS: That we will never  
14 be treating a certain -- so when we treat  
15 offenders in the one building, we do not treat  
16 children or potential targets in the other  
17 building. The hours are different.

18 Additionally, we treat most of our  
19 victims at the Fogelsville location, only some  
20 who have to be in -- you know, have  
21 transportation issues or whatever.

22 But the days -- there are  
23 delineated days and hours, so there's no  
24 overlap of sex offenders and potential  
25 targets.



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1 BY MS. LUHANA:

2 Q. And why do you do that so there's no  
3 overlap?

4 A. Well, we don't want to provide any  
5 opportunity for there to become familiarity of  
6 people passing by in the same location. We  
7 have separate waiting rooms. We have  
8 separate -- so it's -- it -- it's -- the  
9 people, the offenders don't go into the other  
10 building whatsoever.

11 So it just creates very clear  
12 boundaries and so there's no opportunity to  
13 form any kind of type of familiarity or  
14 relationship between the clients.

15 Q. So it would address potential safety  
16 concerns; correct?

17 A. Absolutely.

18 MR. LOVE: Object to form.

19 BY MS. LUHANA:

20 Q. Doctor, in -- in terms of -- you  
21 testified about the Richard -- a couple  
22 situations earlier on in your practice that  
23 you discussed in your book.

24 Since that time, has there ever  
25 been a situation where an offender has

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1 assaulted a victim in your practice?

2 MR. LOVE: Object to form.

3 THE WITNESS: Definitely not one  
4 that they met in the practice. There's never  
5 been any of our offenders who have assaulted  
6 anyone that they had access to, staff,  
7 clients, other offenders in the program, in my  
8 program.

9 BY MS. LUHANA:

10 Q. Okay.

11 Has there ever been a scenario  
12 where one of your staff or a clinician has  
13 assaulted or engaged in sexual misconduct with  
14 an offender or a victim?

15 MR. LOVE: Object to form.

16 THE WITNESS: No. No, absolutely  
17 not.

18 BY MS. LUHANA:

19 Q. So let's go to Exhibit -- is 18 your  
20 report?

21 A. 19.

22 Q. 19. Let's go to Exhibit 19.

23 A. It's up.

24 Q. And let's turn -- let's turn to  
25 page 16 first, okay. And let's look at the

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1 bar graph on page 16.

2 Do you see that there?

3 A. I do.

4 Q. And you see these are the number of  
5 sexual assaults and sexual misconduct incident  
6 reports that Uber received annually compared  
7 to the number disclosed in the U.S. Safety  
8 Reports; correct?

9 A. Yes.

10 Q. Okay.

11 And so for 2017, what was  
12 disclosed in the Safety Report, what number of  
13 sexual assault and sexual misconduct  
14 instances?

15 MR. LOVE: Objection to form.

16 THE WITNESS: 2,936.

17 BY MS. LUHANA:

18 Q. And what was the overall number of  
19 incidences that were truly reported to Uber  
20 that Uber did not disclose in the Safety  
21 Report?

22 MR. LOVE: Object to form.

23 THE WITNESS: 71,080.

24 BY MS. LUHANA:

25 Q. And so when we go from 2017 to 2018,

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1 what was the number reported in 2018 of sexual  
2 assault and sexual misconduct incident reports  
3 that Uber received that it reported in its  
4 Safety Reports?

5 A. 3,045.

6 Q. And what was the total number  
7 actually reported the -- the majority of which  
8 Uber didn't disclose?

9 A. 93 -- 93,464.

10 Q. Okay.

11 And now looking at 2019, what was  
12 the number that reported by Uber of sexual  
13 assault and sexual misconduct in certain  
14 Safety Reports?

15 (Technical difficulties.)

16 THE VIDEOGRAPHER: Going off the  
17 video record. The time is 5:54 p.m.)

18 (Technical difficulties.)

19 THE VIDEOGRAPHER: We are back on  
20 the video record. The time is 5:56 p.m.

21 BY MS. LUHANA:

22 Q. Doctor, we were talking about  
23 Exhibit 19, and so looking at page 16, where  
24 the number of sexual assault and sexual  
25 misconduct incident reports that Uber received

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1 that reported in Safety Reports versus the  
2 total number, the majority of which were not  
3 disclosed.

4 So let's look at 2017, and you had  
5 testified how many were reported in the Safety  
6 Report in 2017 by Uber?

7 MR. LOVE: Object to form.

8 THE WITNESS: 2,936.

9 BY MS. LUHANA:

10 Q. And what was the total number that  
11 were reported to Uber, the majority of which  
12 were not disclosed?

13 MR. LOVE: Object to form.

14 THE WITNESS: 71,080.

15 BY MS. LUHANA::

16 Q. And then looking at 2018, what was  
17 the number that was disclosed by Uber of  
18 sexual assault and sexual misconduct incidents  
19 in its Safety Report?

20 A. 3,045.

21 Q. And what was the total number that  
22 were reported to Uber of sexual assault and  
23 sexual misconduct incidences, the majority of  
24 which were not disclosed?

25 MR. LOVE: I object to form.

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1 THE WITNESS: 93,464.

2 BY MS. LUHANA:

3 Q. And same for 2019.

4 What was disclosed in the safety  
5 reports?

6 A. 2826.

7 Q. And what was the total --

8 MR. LOVE: Object to form.

9 BY MS. LUHANA:

10 Q. And what was the total number, in  
11 fact, reported to Uber, the number of sexual  
12 assaults and sexual misconduct incidences in  
13 2019?

14 MR. LOVE: Object to form.

15 THE WITNESS: 99,201.

16 BY MS. LUHANA:

17 Q. Okay.

18 Then looking at 2020, please  
19 provide the number of sexual assault and  
20 sexual misconduct incidences reported in the  
21 Safety Reports.

22 MR. LOVE: Object to form.

23 THE WITNESS: 998.

24 BY MS. LUHANA:

25 Q. And the -- the total number that was

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1 reporter to Uber in 2020?

2 MR. LOVE: Object to form. Sorry.

3 THE WITNESS: 41,360.

4 BY MS. LUHANA:

5 Q. And let's go through 2021, the number  
6 that was reported in the Safety Report of  
7 sexual assault and sexual misconduct incident  
8 reports?

9 A. 1,008.

10 MR. LOVE: Object to form.

11 BY MS. LUHANA:

12 Q. And what -- what was the total number  
13 of sexual assaults and sexual misconduct  
14 incident reports in 2021, the majority which  
15 were not disclosed?

16 MR. LOVE: Object to form.

17 THE WITNESS: 34,790.

18 BY MS. LUHANA:

19 Q. And then same for 2022.

20 What was the number of sexual  
21 assault and sexual misconduct incidences that  
22 were reported in the Safety Report?

23 MR. LOVE: Object to form.

24 THE WITNESS: 1,637.

25 BY MS. LUHANA:

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1 Q. And what was the total number that  
2 Uber had received, the majority of which were  
3 not disclosed, of sexual assault and sexual  
4 misconduct incidences in 2022?

5 MR. LOVE: Object to form.

6 THE WITNESS: 52,933.

7 BY MS. LUHANA:

8 Q. And so, Doctor, if you look at from  
9 2017 to 2018, did the number of incidences  
10 increase?

11 MR. LOVE: Object to form.

12 THE WITNESS: Yes.

13 BY MS. LUHANA:

14 Q. And if you look at 2018 to 2019, did  
15 the number of sexual assaults and sexual  
16 misconduct reports increase?

17 A. Yes.

18 MR. LOVE: Object to form.

19 BY MS. LUHANA:

20 Q. And so it increased from 2017 to 2018  
21 to 2019; correct?

22 MR. LOVE: Object to form.

23 THE WITNESS: Yes.

24 BY MS. LUHANA:

25 Q. And then, as you had testified, the



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1 number went down during COVID time from 2020  
2 to 2021; correct?

3 A. That's right.

4 Q. And then it perceived the number of  
5 sexual assault and sexual misconduct incident  
6 reports from '21 to 2022 increased; correct?

7 MR. LOVE: Object to form.

8 THE WITNESS: That's right.

9 BY MS. LUHANA:

10 Q. And so then let's take a look at  
11 page 17, and you'll see this is the number of  
12 sexual assaults and sexual misconduct  
13 incidences per subcategory per year.

14 Do you see that there?

15 MR. LOVE: Object to form.

16 THE WITNESS: I do.

17 BY MS. LUHANA:

18 Q. And you'll see, it's the total number  
19 of incidences reported based on the Flack data  
20 of sexual assault and sexual misconduct  
21 reports that Uber received from 2017 to 2024;  
22 correct?

23 A. Yes.

24 Q. And what you see there is that the  
25 numbers increased from 2021 to 2022; correct?

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1 A. Yes.

2 MR. LOVE: Object to form.

3 BY MS. LUHANA:

4 Q. And the number of sexual assault and  
5 sexual misconduct incidences that were  
6 reported to Uber from 2022 to 2023 increased;  
7 correct?

8 MR. LOVE: Object to form and  
9 leading.

10 THE WITNESS: Yes.

11 BY MS. LUHANA:

12 Q. And then the number from 2023 to 2024  
13 of sexual assault and sexual misconduct  
14 incidences reported to Uber increased;  
15 correct?

16 MR. LOVE: Object to form.

17 THE WITNESS: Yes, they do.

18 BY MS. LUHANA:

19 Q. So they steadily increased from 20 --  
20 post COVID, 2021 to 2024 every year; correct?

21 MR. LOVE: I object to form.

22 THE WITNESS: Yes.

23 BY MS. LUHANA:

24 Q. And let's turn to page 22 of your  
25 report, and you'll see this chart here of

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1 Average Frequency of Sexual Assault, Sexual  
2 Misconduct Incidences Per Year in Minutes;  
3 correct?

4 A. That's right.

5 Q. And so what you see is the -- how  
6 many minutes a sexual assault or a sexual  
7 misconduct occurred year over year; correct?

8 MR. LOVE: Object to form.

9 THE WITNESS: Yes.

10 BY MS. LUHANA:

11 Q. Okay.

12 So in -- in COVID, in 2021, what  
13 was reported to Uber is that there was a  
14 sexual assault or sexual misconduct incident  
15 every 15.1 minutes; correct?

16 MR. LOVE: Object to form.

17 THE WITNESS: That's correct.

18 MR. LOVE: Assumes facts.

19 Leading.

20 BY MS. LUHANA:

21 Q. And then the time between a sexual  
22 assault and sexual misconduct occurring  
23 increases from 2022, 2023 to 2024; correct?

24 MR. LOVE: Object to form.

25 Assumes facts. Leading.

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1 THE WITNESS: The time between  
2 sexual assaults decreases. It goes from  
3 15 minutes all the way to 6 minutes, one  
4 happening every 6 minutes, right.

5 MS. LUHANA: Correct.

6 BY MS. LUHANA:

7 Q. So the -- the -- the numbers are  
8 increasing. However, the number of minutes  
9 are taking place is decreasing, so they're  
10 happening more often; correct?

11 A. Exactly.

12 MR. LOVE: Object to form.  
13 Assumes facts. Leading.

14 BY MS. LUHANA:

15 Q. Dr. Valliere, in your opinions, you  
16 provide that -- in your report, Exhibit 19,  
17 you provide that Uber has misled the public  
18 about its sexual assault problem; correct?

19 MR. LOVE: Object to form.

20 THE WITNESS: Yes.

21 BY MS. LUHANA:

22 Q. Can you please provide how Uber has  
23 misled the public about its sexual assault  
24 problem?

25 MR. LOVE: Object to form.

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1 THE WITNESS: Well, Uber has not  
2 been transparent about the true number of  
3 incidents of sexual violence. They have  
4 failed to report and identify women passengers  
5 in particular about the highest risk issues on  
6 the platform, including what they have  
7 identified as risk factors in their own  
8 research, like a male driver when you're  
9 alone, if you've been drinking, proximity to a  
10 bar, time of day and week, age of the driver,  
11 riding in the front seat, one-star reviews of  
12 the driver, new drivers, the driver's history  
13 of interpersonal conducts, and all the risk  
14 factors that go to being related to predicting  
15 which drivers will commit sexual assaults that  
16 I outlined on 18 and 19 of my report.

17 BY MS. LUHANA:

18 Q. Let's take a look at that.

19 So in your report, you go through  
20 the various risk factors that Uber is aware of  
21 that increase the risk of sexual assault on  
22 its platform; correct?

23 MR. LOVE: Object to form.

24 THE WITNESS: Correct.

25 BY MS. LUHANA:

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1 Q. And it does not disclose these things  
2 to end users; correct?

3 MR. LOVE: Object to form.

4 THE WITNESS: That's right.

5 BY MS. LUHANA:

6 Q. And you opine there are preventive  
7 steps that Uber could take to prevent sexual  
8 assault from happening; right?

9 MR. LOVE: Object to form.

10 THE WITNESS: Yes.

11 BY MS. LUHANA:

12 Q. And what preventive steps can it  
13 take?

14 A. Educating riders about all these risk  
15 issues; engaging in changes in onboarding to  
16 assure a better and more robust onboarding  
17 process; clear education of drivers that  
18 define the intolerable behavior on the Uber  
19 platform in terms of sexual misconduct, making  
20 it very concrete; not only providing the  
21 education, but connecting that education and  
22 behavior to crystal clear consequences;  
23 engaging in monitoring and supervision, better  
24 monitoring and supervision of offenders by  
25 either means of more engagement with their

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1 drivers or instituting safety features that  
2 provide that kind of monitoring; as well as,  
3 in the onboarding process, they've identified  
4 certain personality factors that are related  
5 to those who engage in future acts of  
6 interpersonal conduct.

7 They can do different ways of  
8 maintaining and -- and compiling information  
9 on their offenders that are associated with  
10 sexual assault, like ride anomalies and things  
11 like that.

12 Q. In terms of the safety features that  
13 provide that kind of monitoring, what are you  
14 referring to?

15 MR. LOVE: Object to form.

16 THE WITNESS: Well, the -- the  
17 cameras are known deterrents, and there could  
18 be things that Uber also knows are highly  
19 impactful and preventative, like blocking  
20 matching of high-risk rides and riders; the --  
21 combining SRAD data with the RideCheck.

22 Oh, I lost my train of thought.  
23 I'm sorry. Women to women matching. Those  
24 are some examples of things that Uber knows  
25 very well are preventative.

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1 MS. LUHANA: Okay. Thank you,  
2 Doctor.

3 You can take this exhibit down and  
4 can you please put up report that -- I'm  
5 sorry, Exhibit 17.

6 BY MS. LUHANA:

7 Q. So, Doctor, you testified a great  
8 deal about Exhibit 17 in your report in the  
9 Carter case; correct?

10 A. In this deposition, yes.

11 Q. And so in terms of the testimony that  
12 you just gave right now in terms of steps that  
13 Uber can take to prevent sexual assault and  
14 sexual misconduct, you describe something more  
15 holistic as opposed to just one potential  
16 policy deterring conduct; correct?

17 MR. LOVE: Object to form.

18 BY MS. LUHANA:

19 Q. Let's take a look at your conclusion  
20 here in this report on page 14.

21 And counsel previously had asked  
22 you a great deal about how you testified that  
23 the policy wasn't enough of a deterrent.

24 Do you recall that?

25 A. I do.



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1 Q. Okay.

2 And can you read the second to  
3 last sentence in the first paragraph there,  
4 starting with "In my decades."

5 A. "In my decades of experience, it is  
6 exposure, management, consequences, and  
7 containment that are effective in preventing  
8 sexual abuse with known offenders. Rules and  
9 laws set up the structure and expectation that  
10 the system will react appropriately and  
11 protectively when offenders are exposed."  
12 {Sic}

13 MR. LOVE: Where -- where is she  
14 reading from, counsel?

15 MS. LUHANA: Page 14.

16 MR. LOVE: Where on page 14?

17 MS. LUHANA: It's page 14, the  
18 first paragraph, the last two sentences she  
19 just read.

20 MR. LOVE: Thank you.

21 THE WITNESS: Sorry about that.

22 MR. LOVE: No problem.

23 BY MS. LUHANA:

24 Q. So that's essentially stating that a  
25 policy alone isn't a sufficient deterrent, and

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1 it takes a multi-faceted holistic system to  
2 prevent sexual abuse in this context; correct?

3 MR. LOVE: Object to form.

4 THE WITNESS: Correct.

5 MS. LUHANA: Let's take this down  
6 and let's put up Exhibit 13.

7 BY MS. LUHANA:

8 Q. And, Doctor, this is your addendum in  
9 the case, and let's look at page 1 -- well,  
10 before I -- I get to page 1, in terms of NGO  
11 support for Uber, would you agree that NGO  
12 support for Uber helps support its business?

13 MR. LOVE: Object to form.

14 THE WITNESS: I do.

15 BY MS. LUHANA:

16 Q. Would you agree that NGO support  
17 helps Uber's reputation?

18 MR. LOVE: Object to form.

19 THE WITNESS: Yes.

20 BY MS. LUHANA:

21 Q. Would you agree that NGO support  
22 helps consumer preference for Uber?

23 MR. LOVE: Object to form.

24 THE WITNESS: Yes.

25 BY MS. LUHANA:

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1 Q. And would you agree that NGO support  
2 helps Uber with having regulatory impact?

3 MR. LOVE: Object to form.

4 THE WITNESS: I agree that Uber  
5 believes that.

6 MS. LUHANA: Okay.

7 THE WITNESS: I don't know that  
8 particularly. The rest is psychology that I  
9 can certainly agree with.

10 BY MS. LUHANA:

11 Q. And -- and let's look at your  
12 addendum, the first page of it, the last  
13 paragraph, where you say, "Ms. Boman's  
14 testimony showed that the major purpose of  
15 these payments, thus enlistment of  
16 endorsements from these nonprofits for Uber,  
17 was to help bolster Uber's reputation and  
18 brand perception." {Sic}

19 Did I read that correctly?

20 A. You did.

21 Q. And can you read the next sentence  
22 here where you're citing an Uber document, as  
23 well as citing -- which is Boman Exhibit 2045,  
24 as well as Boman's testimony. Can you please  
25 read that out loud?

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1 MR. LOVE: Object to form.

2 THE WITNESS: "The Driving Change  
3 campaign notes, 'These funds should be an  
4 ongoing consistent commitment Uber makes, in  
5 part, because these partnerships are  
6 essential. Women's safety issues pose a  
7 significant risk to the business, not only in  
8 reputation, but consumer preference and  
9 regulatory impact.'"

10 MS. LUHANA: Thank you. You can  
11 take that down.

12 Doctor, I have no further  
13 questions.

14 MR. LOVE: Dr. Valliere, I just  
15 have a couple of follow-ups for you.

16 If we could go off the record for  
17 two minutes, I can get those sorted out and  
18 then ask briefly.

19 THE VIDEOGRAPHER: Going off the  
20 video record. The time is 6:12 p.m.

21 (Whereupon, a recess was taken at  
22 the above time.)

23 THE VIDEOGRAPHER: We are back on  
24 the video record. The time is 6:16 p.m.

25 BY MR. LOVE:

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1 Q. Dr. Valliere, you told your counsel  
2 that the way that you used your methodology  
3 for this case doesn't differ from any other  
4 way that you do clinical evaluations; is that  
5 correct?

6 MS. LUHANA: Objection to form.

7 THE WITNESS: In that I seek  
8 collateral information and relevant  
9 documentation to incorporate into my opinion.  
10 BY MR. LOVE:

11 Q. But in your clinical practice, you  
12 don't interpret it marketing ads; right?

13 MS. LUHANA: Objection to form.  
14 Misstates testimony.

15 THE WITNESS: Not unless it was  
16 necessary.

17 BY MR. LOVE:

18 Q. You don't look at corporate documents  
19 for a clinical review; correct?

20 MS. LUHANA: Objection to form.

21 THE WITNESS: Not in a clinical  
22 assessment. Only if I'm asked to evaluate a  
23 system.

24 BY MR. LOVE:

25 Q. You don't opine on what a company is

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1 thinking or feeling; correct?

2 MS. LUHANA: Objection to form.

3 THE WITNESS: Like I said, in --  
4 in a clinical assessment, the referral issue  
5 is different. I'm not usually asked to think  
6 about a company or interpret that.

7 If I'm asked to do that and look  
8 at company documents and evaluate policies, I  
9 do.

10 BY MR. LOVE:

11 Q. And you've never been the part --  
12 part of a C suite; correct?

13 MS. LUHANA: Objection to form.

14 THE WITNESS: I don't know what  
15 that is.

16 BY MR. LOVE:

17 Q. You've never been the CEO of a  
18 company?

19 A. Well, I'm the CEO of my own company,  
20 but that's a small -- small agency.

21 Q. You've never been -- you've never  
22 worked in a large corporation as an executive;  
23 correct?

24 MS. LUHANA: Objection to form.

25 THE WITNESS: Not a -- a large.

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1 I've been an executive in nonprofit  
2 organizations.

3 BY MR. LOVE:

4 Q. You have no formal training in  
5 managing or running a large business; correct?

6 MS. LUHANA: Objection to form.

7 THE WITNESS: I -- I guess it  
8 depends what you mean "large." A large, not  
9 sole proprietor corporation, no.

10 BY MR. LOVE:

11 Q. Now, you also said, and I want to  
12 read it so I get it right, that you rely --  
13 relied on documentation, Uber's own statements  
14 and documentation to support some of the  
15 opinions that you had pre-established.

16 When you say "pre-established,"  
17 you had come to your opinions before you  
18 looked at Uber statements and documentation?

19 MS. LUHANA: Objection to form.

20 THE WITNESS: No. My opinion that  
21 Rideshares are a ripe environment for sexual  
22 assault, I knew that a long time ago because  
23 of the situation it puts offenders in and the  
24 opportunity it affords them.

25 Since I have been fully in charge

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1 of the sex offender program, they have never  
2 been allowed to be limo drivers, taxi drivers,  
3 side gigs with Uber, any Lyft share, Door  
4 Dash, Eats, any of that, because of the issues  
5 that I'm aware of.

6 BY MR. LOVE:

7 Q. So to be clear, you came to your  
8 opinion that Rideshares are a ripe environment  
9 for sexual assault before ever looking at an  
10 Uber document?

11 MS. LUHANA: Objection to form.

12 THE WITNESS: Yeah.

13 MS. LUHANA: Misstates testimony.

14 THE WITNESS: I think the -- it --  
15 just by the nature of the Rideshare  
16 environment, it's a very high risk environment  
17 and it doesn't need to be Uber or whatever.  
18 It's the environment, itself.

19 And then examination of Uber's  
20 documents revealed clearly that they knew the  
21 same thing.

22 MR. LOVE: Okay.

23 BY MR. LOVE:

24 Q. Now, if you could pull up Exhibit 19,  
25 I just have a couple of questions, and then



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1 I'm done. And we'll go to page 16 and look a  
2 at that graph that we were looking at before  
3 when counsel was asking you questions.

4 A. Okay.

5 Q. Did you find that chart?

6 A. I did. It's here. Sorry.

7 Q. No problem.

8 So looking at 2017, the number of  
9 incidents in purple is 71,080; right?

10 A. Correct.

11 Q. And in 2022, the number in purple is  
12 52,933; correct?

13 A. Yes.

14 Q. So between 2017 and 2022, the number  
15 of incidents went down; right?

16 MS. LUHANA: Objection to form.

17 THE WITNESS: Well, it went up and  
18 then it went down.

19 BY MR. LOVE:

20 Q. But just between those two numbers;  
21 right, it went down?

22 MS. LUHANA: Objection to form.

23 THE WITNESS: So the point, just  
24 between the number -- I'm sorry --

25 MR. LOVE: Let me -- let me

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1 clarify.

2 THE WITNESS: Yes, please. I lost  
3 track of it.

4 BY MR. LOVE:

5 Q. There are -- there are less reports  
6 of incidents in purple in 2022 than there were  
7 in purple in 2027; correct -- or 2017.  
8 Apologies.

9 A. Yes. Thanks.

10 Q. And there are less incidents in  
11 safety airports in blue in 2022 than there are  
12 in blue in 2017?

13 A. Right. Attributable to COVID, right.

14 MR. LOVE: Okay. That's all the  
15 questions I have. Thank you, Dr. Valliere.

16 MS. LUHANA: I have a few more  
17 questions.

18 BY MS. LUHANA:

19 Q. Dr. Valliere, if you look at your  
20 report, let's turn to page 17. And so if you  
21 look at 2017, what is the total number of  
22 sexual assault and sexual misconduct  
23 incidences reported to Uber?

24 A. 71,080.

25 Q. And then let's look at 2024. What is

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1 the total number of sexual assault, sexual  
2 misconduct incidences reported to Uber?

3 MR. LOVE: Object to form.

4 THE WITNESS: 82,838.

5 BY MS. LUHANA:

6 Q. So the number of sexual assault and  
7 sexual misconduct incidences reported to Uber  
8 has increased comparing 2017 to 2024; correct?

9 MR. LOVE: Object to form.

10 THE WITNESS: That's right.

11 BY MS. LUHANA:

12 Q. And, Doctor, in terms of methodology  
13 that you utilized in arriving at your opinions  
14 here, you testified that you used the same  
15 analysis and evaluation that you used outside  
16 of litigation that you used typically in your  
17 practice as a psychologist; correct?

18 MR. LOVE: Object to form.

19 THE WITNESS: Right.

20 BY MS. LUHANA:

21 Q. And you relied on your expertise,  
22 including your 30 years of experience,  
23 training and internal document review in  
24 addition to reviewing Uber's internal  
25 documents to arrive at your opinions in your

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1 report; correct?

2 MR. LOVE: Object to form.

3 THE WITNESS: Yes.

4 BY MS. LUHANA:

5 Q. Okay.

6 You were also asked about some  
7 marketing opinions that you provided in this  
8 case. And so if you'd take a look at your  
9 report, let me pull up the page number. It's  
10 page 4.

11 And so if you look at page 4, the  
12 last paragraph before your Background and  
13 Qualifications, you say here you are giving an  
14 impact on the psychological impact of --

15 MR. LOVE: Counsel, could you  
16 point me to the sentence you're reading?

17 MS. LUHANA: Sure. It's -- I  
18 just -- it's the last paragraph before  
19 Background and Qualifications.

20 BY MS. LUHANA:

21 Q. So you go on to say the opinions that  
22 you're offering here are what, Dr. Valliere?

23 MR. LOVE: Object to form.

24 THE WITNESS: It's giving an  
25 opinion on the psychological impact of Uber's

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1 statements based on its analysis, research and  
2 testimony about its marketing and its -- its  
3 impact on consumers.

4 MS. LUHANA: Thank you, Doctor. I  
5 have no further questions.

6 MR. LOVE: I think that's it.  
7 You're free to go.

8 THE WITNESS: Thank you.

9 THE VIDEOGRAPHER: Going off the  
10 video record.

11 (Whereupon, the deposition  
12 concluded at 6:30 p.m.)  
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C E R T I F I C A T E

I do hereby certify that I am a Notary Public in good standing, that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS by hand and official seal  
this 24th day of October, 2025.

A handwritten signature in cursive script, appearing to read "Rose Tamburri".

Notary Public

Job No. CS 7675941